

LAKE LINGANORE ASSOCIATION
ENVIRONMENTAL CONTROL COMMITTEE

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ENVIRONMENTAL CONTROL COMMITTEE
As approved by the BOD 12/17/1998

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I. DEFINITIONS

ADMINISTRATOR The employee of LLA who is responsible for conducting the operation and administration of the affairs of the ECC.

ASSOCIATION The Lake Linganore Association, Inc.

COVENANTS OR CCR “The Conditions, Covenants, Restrictions, Easements, and Charges Affecting the Real Property Known as Lake Linganore Planned Unit Development (PUD)” as recorded in the land records of Frederick County, Maryland relative to any lot or parcel of land.

CAC Construction Authorization Contract executed by LLA, which sets forth the conditions, requirements and restrictions under which other parties are permitted to utilize the common properties owned or controlled by LLA in the course of construction within Eaglehead.

ECC The Environmental Control Committee of LLA.

EAGLEHEAD The name of the new city being built in the Planned Unit Development known as “Lake Linganore at Eaglehead.”

ELEVATION The view of the side of a building as seen from one (1) direction, drawn to scale, without the introduction of perspective effects.

ELEVATION, MSL The height in feet, above mean sea level, of a point or line shown, based on datum established by the U.S. Coast and Geodetic Survey.

LLA The Lake Linganore Association, Inc

LIQUIDATED DAMAGES A pre-set dollar amount agreed upon in a contract between LLA and another party, for payment to compensate for specifically named damages or infractions which may be caused, or permitted to occur, by the other party, and which is agreed would be damaging to LLA and which amount, if tendered by the party committing the infraction or damage, and if accepted by the Association, shall constitute Full and final settlement for the named infraction or damage. If not tendered and accepted, the parties shall have all other remedies available at law and in equity. (Liquidated damages shall be assessed if the Owner/Builder does not cure said infraction within a reasonable time period, or as specified in Appendix A of the CAC, following notification.)

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MARKET VALUE OF LOT IMPROVEMENTS The price at which sold to the first buyer of house and lot. If the house and lot is not sold, the Market Value shall be deemed to be the amount for which a similar house is sold, or alternatively, the “full value” as set forth by the MD State Tax Assessor for the fully completed house and lot.

MSL Mean Sea Level (See Elevation, MSL above).

PUD Planned Unit Development

II. PURPOSE AND OPERATIONS

In the past, and often still, Developers established specific requirements as to what a building should look like – usually called the Architectural Covenants. This approach toward ensuring certain qualities of design froze the ideas of that era. A decade or so later, these ideas often were outmoded as innovation, or new trends replaced the old. What was fashionable in one generation became passé in the next. To overcome this drawback; to allow for innovation; to keep design up to date; to give Owners and their Architects and Builders maximum flexibility; the concept of our ECC was adopted: no hard or fast rules as to size, cost, materials, or appearance, but allow wide latitude with a design-capable Committee, the ECC, to pass judgment on each building as to whether it met that test of “good design”.

Thus Article VI of the Covenants was written to provide for an Environmental Control Committee (ECC) to review, and approve or disapprove, every structure or improvement to be put upon the land, including landscaping, tree removal, clearing and colors.

This Committee has broad powers to use its’ judgment for the purpose of ensuring that all improvements in Eaglehead are accomplished in a way that will enhance the appearance, livability and therefore the property values in our community. These powers are to be taken seriously, as they have consequences affecting the living environment of the Members, as well as the Member’s investment.

The concept of a Committee exercising judgment in matters of design allows more latitude for the Owners and their Designers to express themselves and meet their particular requirements. New and varied ideas can be better incorporated than if explicit covenants were set forth as to size, price, materials and other elements affecting design.

Since judgment is to be rendered setting limits on design expression, it is imperative that the Members of the ECC be capable in matters of design, and that the staff serving the Committee be sensitive to the Committee concepts, and willing to

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interpret and carry out the findings of the Committee, and to faithfully execute them in a friendly manner.

The ECC does not concern itself with the interior of buildings. Its' only concern will be to see that the proposed exterior of all structures, and all improvements to properties, meet the standards set. Neither will the ECC consider, nor pass upon, the structural adequacy of any building – which will be left to Architects, Engineers and Code enforcers. It will, however, be concerned about how buildings and other improvements relate to the land upon which they are to be sited. The authority of the Committee will be exercised relating to appearance of everything on a site, by whomever done, which can be seen from any part of Eaglehead.

The decision of the ECC has the force of a covenant peculiar to the specific lot about which it was made. The work of the ECC is completed when the structure is completed as approved; the Committee has the duty and power to enforce its' decisions, but not matters pertaining to any other covenant or restriction. The ECC is a deliberative body, rendering judgment respecting applications made to it; it is not a policing body. Once a decision is made, it will fall to the duty of other enforcement mechanisms in the Association to police compliance. Thus there is a clean line (completion of the structure and site as approved) between the duties and powers of the ECC and a Covenant Compliance Committee (CCC). The Board, the CCC and staff should have the duty and authority to require compliance with the decisions of the ECC.

A staff person assigned to the ECC shall carry out the Committee decisions. No application shall be approved by any staff person except in accordance with instructions from the Committee. Any purported approval or permit issued without the consent of the Committee shall be invalid. The Committee may delegate to a staff person the authority to make certain limited decisions, and issue permits, allowing specific items or pre-approvals issued by the ECC.

The following articles and sections of the CCR require action by, or involve, the ECC: Article VI in its entirety wherein the ECC is created and empowered; Article VII, Sections 5, 6, 10, 11, 12, 13, 16, 17, 18, 26, 27 and 31; Article VIII, Section 1; Article IX, Sections 1 and 2; and Article X wherein enforcement of the Covenants is provided for, including decisions of the ECC.

Article VI gives power to the Board of Directors to receive and act on any application in lieu of the Environmental Control Committee. Alternatively, the ECC appointed by the Board is empowered to make decisions regarding the visible construction or destruction on any lot or parcel. Action by the Board will be taken only in such circumstances as when there is no existing ECC, or when the ECC refers a difficult or controversial decision to the elected Board, or when the Board formally instructs the ECC to refrain from considering an action which the Board chooses to consider.

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Although there is no explicit provision in the Covenants for appeal from a decision by the ECC, reconsideration and appeal are now permitted. Once the Board of Directors renders a decision following an appeal, it is final. The reconsideration and appeal process is explained in paragraph 1 of *Structure*.

The ECC will adopt and publish *Design Standards*, and *Fundamentals of ECC Operations* as approved by the Board of Directors. Forms, including checklists designed to assist Members and Builders, and to improve the ease of administration, will be created from time to time by the ECC. Information setting forth items, which can be approved by the Administrator without further reference to the Committee, will be published. These will be in printed form and two (2) copies will be made available, without cost, to any Member requesting them.

The Board shall establish the amount of an application fee used to defray part or all of the cost of administering the ECC, and a schedule of liquidated damage dollar amounts levied for infractions. The Board may take such other actions as it deems necessary to address infractions or damages if the liquidated damages are not accepted as sufficient remedy.

III. FUNDAMENTALS OF ECC OPERATIONS

THE PURPOSE of the Environmental Control Committee (ECC) is to allow members of the Lake Linganore Association a maximum opportunity for flexibility and innovation in planning improvements on their land, while ensuring a high quality of design which will enhance their visual living environment and improve the economic value of their property. Alternatives such as fixed design standards, and no standards at all, were considered and rejected in favor of employing a skilled Committee to render judgment, their only criteria being the quality of design, enhancing life and economic value. Under the Covenants (CCR), the ECC has substantial responsibilities assigned to it, together with the authority to carry out those responsibilities. The following *Fundamentals of ECC Operations* will enable the ECC to carry out its function of applying judgment in protecting the interests of all members of the Association. Under normal conditions the following shall apply:

1. **PRIME RESPONSIBILITY:** The responsibility of the ECC is only to the Members of the Lake Linganore Association. It must take the long view regarding the good of the entire community. Short-term benefits to an individual or firm must take a back seat to the larger community. Short-term benefits to an individual or firm must take a back seat to the larger community interest. The interests of any party subordinate to those of the members, or that of the entire collective membership, over shadows the perceived interest of a single owner.

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2. SCOPE OF ECC AUTHORITY: The ECC process begins when a submission is made by a member/applicant of the Association requesting its approval under the authority and responsibility given the ECC and the Directors under Article VI, particularly, and other Articles of the CCR. The changes on each lot or parcel which are approved by the ECC (or the Board of Directors if it, instead of the ECC, considers the application) become a particular covenant on that lot, and the owner is then obligated to follow exactly the improvements as they were approved by the ECC. Failure to do so may invoke the same actions and liabilities, as is the case with the violation of any other covenant, including the assessment of liquidated damages or other remedies.

Following approval of an application, the ECC Administrator will inspect the improvements as they are progressing, to the point of their completion, to see that the approved application is followed in every particular. When the ECC Administrator, on behalf of the ECC, certifies in writing that the construction or other changes have been completed as approved, the role of the ECC is complete. Thereafter, as much as in matters not related to the application approved by the ECC, the Covenant Control Committee or other covenant enforcement system of the Association is empowered to act on all covenant violations.

3. CONDUCT OF MEETINGS: The ECC is a deliberative body exercising judgment on the written exhibits submitted by an owner/member. Interjections by persons who are not Members of the Committee are not conducive to the level of concentration demanded and, therefore, are not permitted unless requested by a Committee member. Decisions of the ECC are made solely upon review of drawings and written exhibits, observations regarding site inspections, or other personal knowledge reported by a Member of the Committee, observations and recommendations by the ECC Administrator, and such verbal comments by applicants as may be requested by a Member of the Committee.

4. ADEQUATE APPLICATION: Applications shall not be considered received until all exhibits, and items thereon required by the *Design Standards* and checklists provided by the ECC, are signed in as being administratively sufficient by the General Manager or ECC Administrator. Applications should include only essential information for review.

5. APPLICATION TIMELY RECEIVED: Any application received less than four (4) business days prior to a regularly scheduled meeting may normally not be considered at that meeting of the ECC since time is required to check the application and prepare for the meeting. A submission is not considered "received" until all necessary exhibits are in order. The thirty (30) day rotation for the ECC to render a decision on an application does not start to run until it is "received" as defined herein.

6. TIME FOR CONSIDERATION OF APPLICATIONS: Any adequate application not acted upon by the ECC within thirty (30) days after it is signed, as set forth in paragraph "3" and "4" above, shall be considered approved with the same effect as though approval were given in writing by the ECC. The ECC will make an effort to act on an adequate application within two (2) weeks after it is received as set forth above, but the

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applicant cannot be assured of such a two (2) week schedule. The ECC Administrator will notify applicant within two (2) business days after receipt of plan (by telephone followed up in writing) as to the adequacy/sufficiency of the application.

7. FORCE AND EFFECT: The approval in writing of an application by the ECC has the full force and effect of any other covenant in the CCR applicable to that lot or parcel. The owner may not change the exterior of the building or other structure once it has been approved by the ECC, unless that change is made the subject of another application, and that change is then approved by the ECC. Infractions of this covenant result in the levy of liquidated damages as set forth in the Construction Authorization Contract (CAC), or physical correction to conform with the approved plans and other exhibits, as well as all other remedies of the Association allowed by the CCR and the Bylaws of the Association.

Owner and builder may rely on the written authorization or approval by the Administrator of the ECC, or a designated representative by the General Manager of the Association, in any matter where Association approval is needed.

8. AUTHORITY DELEGATED TO THE ECC ADMINISTRATOR:

RESPONSIBILITY: The Administrator, a staff person employed by the Association and assigned to the ECC, may have only such authority as approved in accordance with the ECC job description, and to approve application applications as may be delegated in writing to him by the Committee. He is also authorized to review all applications for their completeness and accuracy; to receive (as defined in paragraphs "3" and "4" above) and sign for those which he deems complete after his review; to reject and return for more information those which are not complete or accurate; to request additional information which will make an application complete and accurate and to report his actions on this authority to the Committee; to present, with or without recommendation, complete and accurate applications to the Committee at its meetings; and thereafter to give the applicant a written finding of the Committee. He shall make such inspections of the applicant's site as he deems necessary, or as requested by the General Manager or the Committee or its Chairman, both before approval, and after approval, during continuation of improvements, to ensure compliance with the conditions of the approval.

9. BOARD OF DIRECTORS ACTING IN LIEU OF THE ECC: As authorized in Article VI of the Covenants, on its own initiative or upon recommendation of the ECC, the Board of Directors may review an application and render its findings, in lieu of consideration and action by the ECC, in which case the ECC shall exercise no authority, although it may make recommendations to the Board of Directors for its consideration prior to rendering a decision. There shall be no appeal to the ECC of a decision prior to rendering a decision. There shall be no appeal to the ECC of a decision made by the Board of Directors. **The final authority is the Board of Directors.**

10. RECONSIDERATION AND APPEALS: Upon request by an applicant, the ECC may reconsider a rejection or conditional approval if, in its sole discretion, additional information offered may allow a different decision to be made.

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- A. Decisions regarding enforcement of the ECC rulings, or other Covenants, may be appealed to the Board of Directors, regarding what the member/applicant, owner, builder or developer considers unreasonable or improper interpretation of covenants, or liquidated damages accepted in lieu of other remedies.
- B. After a member/applicant has exhausted all remedies with the ECC, Including a reconsideration by the ECC, and is dissatisfied with its ruling, the member/applicant may appeal to the Board of Directors of the Association (the Board) from the ruling of the ECC. The appeal may be based on one (1) or more of the following grounds: 1) violation of one (1) or more of the Covenants or Bylaws of the Association; 2) violation of the laws and regulations of the State of Maryland or of the United States; 3) a ruling contrary to the express provisions of the Charter of the ECC as approved by the Board of Directors; 4) failure of the ECC to consider relevant facts supplied by the applicant; 5) acting on an application in an arbitrary and capricious manner.
- C. The aggrieved member/applicant may request an appeal under Procedures established by the Board. Written argument may be Supplemented by a verbal presentation, if desired, alleging the Presence of any of the above grounds, and no other, must be presented to the Board of Directors at a scheduled open hearing. The Board of Directors at a meeting with a quorum personally present, including a Director who is a member of the ECC, shall hear the applicant, and thereafter will receive and consider written and/or oral comments by the ECC. The Board may allow expert testimony, and may, at its sole discretion, receive comments by members who are not affiliated with the applicant. Other persons shall not have standing and their comments shall not be received. If the applicant does not establish the presence of one (1) or more of the stated grounds, the decision of the ECC shall stand. After considering the arguments, the Board may affirm, affirm with modification, or override the decision of the ECC.
The decision of the Board shall be final and subject to due process of law.

11. **APPLICATION FORM:** Application fees, as approved by the Board of Directors, are charged to help defray the cost of operating the ECC including the Salary of paid staff, as well as other expenses. Cash or checks are deposited as soon as received. The fees are considered earned when the ECC Administrator reviews the submission. Refunds will be made only if the application is withdrawn before the ECC Administrator first examines it. After an application is withdrawn, or approved construction is not built for any reason, a subsequent application on the same lot or parcel will require the payment of the fee irrespective of the fact that an earlier fee was charged on a submission which was withdrawn or not executed by the owner.

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12. **EXECUTION OF APPROVALS:** After the ECC or the Administrator has issued a written approval of an application, or conditional approval made subject to changes specified by the ECC, the improvements on the lot or parcel must be made exactly as approved, conditionally or unconditionally. NO deviation from the approved application may be made EXCEPT upon written request and approval from the ECC. Changes made in the on-site improvements which are, in the sole opinion of the ECC, substantive violations of the Covenant created by the approval of an application, shall be corrected or made subject to remedies available to the Association.

13. **LIQUIDATED DAMAGES AND REMEDIES FOR INFRACTIONS:** Inasmuch as infractions caused by failing to make improvements as stipulated in an application approved by the ECC, or causing other violations of the CCR or the approved application, or failure to comply with contractual agreements and rules of the Association will be damaging to the Association or its members, the Association may levy liquidated damages as stipulated in the Construction Authorization Contract (CAC), or may take such other actions as are available to it under the CAC, the Covenants, or the Law.

IV. STRUCTURE

As provided by Article VII of the Covenants, the Environmental Control Committee (ECC or the Committee) is appointed by the Board of Directors of the Lake Linganore Association (LLA).

- A) **Size.** The ECC shall consist of five (5), seven (7), or nine (9) persons, as determined by the Board of Directors, from time to time, the majority of whom shall be members of LLA.
- B) **APPONTMENTS TO AND REMOVALS FROM THE ECC.** Persons to fill vacancies on the ECC shall be Members of LLA. The ECC will act as Advisor to the Board of Directors on any recommendation for appointment. The Board of Directors shall make all appointments. Each Member of the ECC will serve at the pleasure of the Board. One (1) appointment of the ECC shall be made available to a Member of the Eaglehead Building Community.
- C) **Chairman.** The ECC may recommend the person for the position of its Chairman, but the Board of directors shall make the appointment.
- D) **Vacancies.** When vacancies occur on the ECC for any reason, the procedure described for appointment to the ECC, as Stated in "A" and "B" above, shall be followed.
- E) **QUALIFICATIONS FOR APPOINTEES TO THE ECC.** Those persons who are to serve on the ECC shall be selected for the particular qualities they would bring to the Committee in order to exercise the judgment required to evaluate the application for construction, rehabilitation, remodeling, or other improvement to property. Not more than two (2), non-voting, non-members may be appointed to the ECC. Such appointments may be of only those persons with training, professional experience, or other special qualification

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which would bring to the WCC professional knowledge required to evaluate applications to the ECC when such skills are not available among Members of LLA who are able and willing to serve on the ECC.

- F) **STAFF TO THE ECC.** An Administrator(s) shall be employed by the Association as part of the staff. The Administrator(s) of the ECC shall serve in receiving and evaluating the applications and advising the Owners; inspecting sites for compliance with ECC approved applications; and shall provide administrative support to the ECC. The Administrator(s) shall have such authority as given from time to time by the ECC and approved by the Board.
- G) **APPEAL FROM DECISION OF THE ECC ADMINISTRATOR.** In those cases where a decision by the ECC Administrator, acting on authority granted by the Committee, is unsatisfactory to the Applicant, an appeal may be requested by the Applicant, in which case the original application accompanied by any additional information furnished by the Applicant shall be reviewed by not less than a quorum of the Committee, which then shall approve, approve subject to conditions, or disapprove the application.
- H) **RECONSIDERATION.** Every Applicant shall have the right to reconsideration of the decision made by the ECVC in the particular case, The request for reconsideration must be made in writing within thirty (30) days after the ECC decision, supported by additional information and argument. The reconsideration shall thereafter be heard within thirty (30) days following the request for reconsideration, by not less than a majority of the entire Committee. The decision by the ECC after reconsideration shall be final, unless the Applicant appeals to the Board of Directors.
- I) **APPEAL TO THE BOARD OF DIRECTORS FROM THE DECISION OF THE ECC.** Following reconsideration, a decision of the ECC may be appealed to the board within thirty (30) days after the decision by the ECC following reconsideration as set forth in the *Fundamentals of ECC Operation*. The Board of Directors will provide the ECC with a timeframe for an appeal hearing.
- J) **QUORUM.** For conduction regular business and consideration of applications and appeal as submitted, or approval subject to conditions or restrictions, or disapproval of any application and for an appeal as described above, the quorum shall be any three (3) members of the Committee attending an ECC meeting. The quorum shall be a full majority in person of the entire ECC when there is a hearing on, and action required upon a reconsideration requested by a Applicant; for adopting policies; for recommending to the Board of Directors a person to be appointed Chairman of the ECC; and for recommending persons to fill vacancies on the committee.
- K) **VOTING.** Any matter being considered at any meeting of the ECC shall be by a majority of those Members attending in person, provided that not less than a quorum is present, Committee Members having a conflict of interest in any application shall not vote thereon. A conflict on the part of the

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committee Member shall be presumed if the interest is financial, or the application is by a relative, friend, or business associate. In every vote considered by the ECC, the members present shall vote either for or against the motion or action. Any person who is qualified to vote, but refrains from doing so, shall be recorded as voting in the negative. Abstentions are not recognized. Committee Members not present during the majority of the discussion on a matter shall not vote thereon and shall be recorded as being absent for that bore even if present at the time the vote is taken. The ECC Chairman shall cast the last vote on all matters.

- L) ABSENCES.** Any committee Member who is absent for more than three (3) consecutive regular scheduled meetings of the ECC shall cease to be a Member of the Committee, unless the absence was for the reason of illness, or personal or family catastrophe; or other reason which in the opinion a majority of the remaining Members of the Committee would prevent attendance; or unless a leave-of-absence of known duration is requested in advance of the absence.
- M) Compliance.** A decision by the ECC after reconsideration, if applicable, or by the Board of directors on an appeal, is a covenant affecting the land and improvements which were the subject of the application as approved by the ECC, and such covenant has the same effect as any other of the covenants, restrictions, and conditions in the governing document of the LLA, commonly known as "The covenants", and as such are enforceable by the LLA, Breaches of approved application, or work begun on a property without approval of the ECC, or failure to apply to the ECC prior to starting any improvement , excavation or clearing may result in filing suit for injunctive relief and the assessment of liquidated damages as approved by the Board of Directors of LLA and as set forth in the Construction Authorization Contracts, and additionally set forth in any other agreement(s) signed by the Application or the agent of the Applicant, the liquidity damages levied, if not promptly paid, shall be collected by using all means available to the Association under the Covenants (as for unpaid dues and assessment or otherwise) and under Maryland law. The ECC or its Administrator shall bring the breaches to the means available. The Association may elect to seek remedies at law, or in equity, in lieu of accepting liquidated damages for the relief of the Association. As set forth in the Covenants, actions available to the Association include entry upon the property to correct the infraction at the expense of the Owner or the parcel of land involved.
- N) COMPENSATION.** ECC Members will serve without compensation. Consultants to the ECC may be paid as agreed with the knowledge and consent of the Board of Directors. The Administrator for the ECC shall be compensated at a rate set by the General Manager and approved by the Board of Directors. Other staff Members of the LLA who serve the ECC shall be compensated under the administrative and personnel policies of the LLA. The Administrator shall be responsive to the ECC and its Chairman, but shall be under the administrative supervision of the General Manager.

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- O) MEETINGS OF THE ECC.** Meetings of the ECC shall be held at regular intervals as determined by it from time to time, but not less than monthly. Members of the LLA may attend any regularly scheduled meeting. The ECC meetings are for the purpose of having its Members exercise their judgment, acting together, considering all factors of each application, the neighborhood, and the whole of Lake Linganore at Eaglehead, as to appearance, the living environment, and property values. Meetings of the ECC shall be conducted as an open forum. Oral comments by observers are not accepted at any meeting other than when a Member of the ECC asks questions of the Applicant or agents of the Applicant. Any Member of LLA may never the less submit comments in writing which shall be welcome, especially if facts not set forth in the application are presented to the ECC as an aid in making a better informed judgment. Written statements received before a final decision is made by the ECC shall be as carefully considered as though a part of the original application. Any lot for which the ECC has received an application for approval will be posted with a notice of intended construction least ten (10) days before the review by the ECC. The ECC encourages suggestions and comments from the residents. Any suggestions or comments should be submitted in writing to the ECC prior to the meeting, or they shall not be considered.
- P) MEMBER'S RIGHTS.** Every Member of the Association has the right to use property owned in Eaglehead, as may be desired, in ways that do not unfairly or unreasonably impinge on the rights of others. The ECC must preserve that right in assuring that improvements anywhere do not denigrate the neighborhood or the environment wanton obstruction of views, or reduction of property values. Every Owner has the right to build on that land He or She owns which, nevertheless inevitably causes some changes in the original appearance of the land. The ECC must approve new construction or changes in ways that will accomplish the overall objective while preserving Member's rights.
- Q) REIMBURSEMENT OF EXPENCES.** Verified expenses made by any ECC Member on behalf of the Association shall be reimbursed under the procedures of the Association.

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V. DESIGN STANDARDS

OVERRIDING OBJECTIVE
TO CREATE
IN EAGLEHEAD

- the best possible living environment
 - in buildings of enduring beauty
- in a community of unparalleled excellence

GENERAL PRINCIPLES

- A. Buildings are to be sited to fit the land.
- B. Existing trees and vegetation, and natural features, are to be preserved to the maximum extent practical. To these ends, buildings shall be located at the most advantageous place on the lots without regard to any artificially imposed setback lines.
- C. The buildings are to be blended into the natural existing environment.
- D. Streets are to be designed to fit the land, control speed and have minimum impact on the landscape.
- E. Water is to be retained on or near the site, and beyond that, detained and slowed to the maximum practical extent.
- F. Buildings shall be of good design on all sides.
- G. There is no requirement for a certain "STYLE" of architecture.
- H. All recorded covenants must be complied with.

SPECIFIC DESIGN GUIDELINES

The design guidelines herein stated are written with the purpose of guiding Owners and Builders through the design process for which the ECC has a covenant responsibility to oversee. They are an effort to find that balance between "fixed design standards and no standards" as stated in the *Fundamentals of ECC Operations*. Building plans, site plans, and other submissions that conform to the guidelines will normally be approved. Those that do not will be closely scrutinized by the ECC to determine if departures from the guidelines satisfy their spirit and intent.

1. SITE: House placement and suitability to the site:
 - a. House Plan: The house plan is to be suitable for the site so as to cause minimum disturbance of the earth, trees, rock outcroppings, and vegetation. For example, do not try to place a level-land house on a steeply sloping lot. If major grading is required, the wrong house is being proposed for this particular lot.
 - b. Wooded Lots: On wooded lots, place utility lines parallel and adjacent to, or under driveway and walkway, so as to not require clearing of additional strips of trees and natural vegetation. Where the location of mains makes this impractical, lay them closely parallel or in the same ditch so as to

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avoid cutting numerous lanes through trees. Cleared lanes for utilities are not to exceed fifteen feet (15') in width. All utility ditches shall be back-filled with suitable earth to ninety five percent (95%) of maximum possible, as defined by the American Association of State Highway Officials (AASHO), or with crushed stone.

- c. Trees: Trees with trunks 6" or more in diameter (measured one foot (1') above the ground) located more than ten feet (10') from the walls of any building, shall not be cut unless specifically approved, as marked on the trees by a representative of the ECC. Dead snags and near-dead trees must be approved for removal by the ECC after examination on site. Flowering small trees such as Dogwood and Redbud, and shrubs such as Mountain Laurel, should be preserved when not within the approved cleared areas.
- d. Natural Rock Outcroppings: Natural rock outcroppings will be preserved, except as indicated on approved plans. Underground utilities, walkways, and driveways will be constructed so as to preserve rock outcroppings, and avoid root damage to trees designated for conservation. All tree stumps are to be removed within thirty (30) days after being uprooted from the lot, and disposed of properly.
- e. Utility Lines and Pipes: The proposed location of all utility lines and pipes, on alignments picked for least harm to the natural vegetation, shall be shown on the site plan at the time of its submission to the ECC, which shall designate the acceptable lane to be cleared for these utilities.
- f. Site Plan: The site plan shall show existing contours at two feet (2') vertical intervals, as well as proposed final contours at the same interval, and spot elevations at all critical points of the finished grade, with indications of how drainage is to be handled, Show driveway location and grades as well as connection to the street with the drainage swale, pipe and headwalls proposed.
- g. Existing Plants: Natural existing understory plants in the woods may be preserved in undisturbed areas, or replaced with shade tolerant ground cover plants or shrubs. Wood chips or shredded bark can be spread over raw earth until fallen leaves cover the ground. Lanes cleared for installation of underground pipes and wires may be seeded or sodded, or may be replanted with ground covers, shrubs or trees. Flowering trees and shrubs are suggested, though not required.
- h. Driveway and Driveway Apron: Where required by the proposed drainage pattern, a pipe shall be placed under the drive in line with the drainage ditch, of a size to carry water runoff in a fifteen (15) year storm. Maximum grade of the driveway shall not exceed fifteen percent (15%) Provisions set forth in the LLA Road Standards shall be mandatory for every property: especially paving, apron and grades required. The surface may be of asphalt blacktop; but colored and textured concrete exposed aggregate concrete; concrete stamped, colored and textured to simulate any of a number of paving materials; brick; any of a variety of paves; and

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flagstone are preferred over blacktop. Stabilized gravel or other approved material may be accepted only under certain conditions where grade is not in excess of seven and one half percent (7.5%) and erosion will not be a problem, but precious is preferred over impervious paving to encourage infiltration and lessen storm water problems. Plain concrete is best avoided because of the harsh appearance in conflict with the natural environment.

- i. Post Lanterns: Post Lanterns are required by covenants to be on each lot. They are to be placed on the lot within two feet (2') of the front lot line, and preferably near the driveway. All of these lights shall be of the type and size approved by the ECC for use in the Village where the house is to be built. Every light is to be illuminated during all hours of darkness, and controlled by a dusk to dawn switch.
 - j. House Numbers: House numbers, as assigned by Frederick County, shall be displayed on every house in a conspicuous location that must be lit after dark and can be seen from the roadway. Display on the post lantern so as to be backlit would be an acceptable alternative.
 - k. Walks: The surface of walks may be of the same texture and material as described for driveways. Texture and color is preferred over plain concrete.
2. **HOUSES**:
- a. Style: There is no preferred architectural style. Architects are encouraged to use their good judgment to produce the best possible solution to fit the Owner's program and the land without preconceived notions of style. Start with the program and fit it to the unique characteristics of the site. The building, and all improvements, will be judged as to whether the standard of *good design* is met. It is to be noted, however, that one of the criteria in judging good design is how well it fits within the context of its neighborhood and the street on which it is located. For a given neighborhood or street, a certain architectural character may be predetermined by the Developer or ECC, in which case the houses therein must fit that character.
 - b. Style: There are no minimum or maximum sizes limits. Good design demands that each house, and other building(s), is in contact and sustains the market value of all houses; that is, no house shall be allowed which would, by its appearance, reduce the value of nearby houses. There should be a consistent quality of design. In communities where design is poor and indiscriminate, size and design of some houses can undermine the value of others.
 - c. Exterior: All visible parts of the exterior of all buildings shall receive equal attention to design quality. Rear and end walls to which appropriate design attention has not been applied shall not be approved. A house, or row of houses, should look as good from the rear as from the street, This does not mean that the rear has to look like the front, but it must look as

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good. The all brick front with fancy entrance, trim and shutters, and a rear of ends with cheap looking siding, no trim, no shutters, and plain door should be avoided.

- d. Decks and Porches: Design should be given the same attention as other parts of the house. They should be consistent with the house in detail, color, texture, and other design characteristics.
- e. Colors: Colors are to be subdued, permitting the house to blend into the landscape. Earth tones, those with low brightness and with shading, are preferred for siding and roofs. The body color (the predominant color of the walls) is to be used on the walls, the masonry or concrete foundation above finished grade, and the garage door. Bright saturated wall colors are to be avoided, as are most blues and white or off-white for siding. Roofs should be black, charcoal, or a dark shade of gray, brown, green or red; avoid tan, blue, white, other light colors, unpainted galvanized steel, aluminum, or a color which will call attention to the roof because of its lightness or reflectivity. The second color, used on trim and window frames, may, but need not be of a slightly different hue, or shade, to that of the body color. An accent color may be used on the main entrance door and maybe of a brighter, more saturated hue, to call attention to it. Gutters and down spouts should be of the same hue as the background against which they are mounted, even if of a slightly different shade or tint. In those instances where a substantial member of houses are to be built forming a street, cul-de-sac, or neighborhood of a consistent unique architectural design, white or other colors may be used if they are an essential part of the design, and upon written approval of the ECC.
- f. Siding (*Approved 5/7 /2003*)
Siding may be of a variety of materials: stone, brick, stucco, wood in various patterns and species, high quality vinyl of a profile duplicating that of wood siding, or other materials suitable to the design of the building as may be approved by the ECC. Vinyl or other artificial material must be installed and meet specific standards approved by the ECC. (See Approved Materials, Section B.) Materials which deteriorate rapidly, or which give a low quality appearance, are to be avoided. Plywood as siding shall be used only where the design treatment, such as with battens in a pattern, is found acceptable by the ECC, but Texture 111 and plywood grooved to simulate boards are generally to be avoided. [Advisory: Wood siding which is to receive one (1) coat of stain should be pre-stained by the manufacturer so as to avoid brush laps which occur when siding is stained by brush application after installation. Where more than one (1) coat of paint or heavy-bodied stain is to be applied, brush laps usually are not a problem.] The appearance of brush laps shall require immediate additional applications, since the laps are unacceptable. Since they deteriorate rapidly, "natural" coatings (those intended to retain the natural color of the wood with out the addition of pigment) are not usually acceptable, some species of wood in some locations are neither painted not stained, but are allowed to weather for many years, since in Frederick

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county, MD most wood species do not weather gracefully, an Owner wishing to leave wood siding uncoated must provide evidence of how the wood will weather – what its appearance will be after a number of years – and if the ECC is convinced that the long term appearance will be satisfactory, it may then be allowed.

- g. Fastenings: Fastenings (nails, etc.) shall be of a material which will not rust or bleed, disfiguring the surface. First choice for all exposed nails in siding and trim is stainless steel; second choice is doubled hot dipped galvanized. Electroplated and single dipped galvanized are to be avoided unless the siding is to receive two (2) coats of paint as soon as installed. Fasteners that may rust shall never be used in any place that will be exposed to the weather.
- h. Windows and Doors: Windows and Doors are to contain no highly reflective materials other than glass. Aluminum sash and frames must be anodized black, bronze or another dark color. If vinyl or other plastic is used, it should be dark colored, like bronze, dark brown or black. In those instances where a substantial number of houses are built, forming a street, cul-de-sac, or neighborhood of a consistent unique architectural design, white or other colors may be used if they are an essential part of the design, and upon written approval of the ECC.
- i. Roofs: Roofs may be of a variety of materials. Cedar shakes of wood shingles, slate, clay tile, painted standing seam steel terne roof, and architectural, (heavy textured) asphalt shingles are all acceptable. Preformed steel or galvalume, if prepainted with a long lasting coating, is acceptable. All roof types must be consistent with the architecture of the building. Unpainted aluminum or galvanized steel will not be approved.
- j. Foundations: Where exposed above final grade, the Designer should give consideration to this part of the house just as he does the rest of the exterior. It must have a finished appearance and must be specified in the application to the ECC. If brick or stone is used on the main parts of the house, it must be carried to below finished grade. Raw concrete or block will not be accepted. If painted, it must be the same hue as the siding above.
- k. Service Yards: Service Yards should be given the same attention as the house design, and should be coordinated with it architecturally. Every single-family house must have a service yard or an exterior space for storage of unsightly utilitarian items, out of sight of the neighbors in their houses, yards and streets. The Covenants do not allow basements to be used in lieu of service yards. An approved storage shed may suffice. The combined shed and fenced service yard should be at least one hundred (100) square feet in size. Prefabricated storage sheds as normally sold at lumberyards are generally not acceptable since their design is not compatible with that of the houses. Space in a garage may substitute for a service yard only if one hundred (100) square feet of the garage is

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available in addition to one hundred and fifty feet (150) square feet for each vehicle space.

- l. Chimneys and Fireplaces: As to those parts seen from outside the building, shall be of a design acceptable to the ECC, compatible with the design of the house.
- m. TV and Radio Antenna: The ECC will review the placement and color of TV and radio antenna as controlled by Article VII, Paragraph 18 "TV Antenna. No television antenna shall be installed or permitted to remain on any lot or building in the Development more than one month after central cable or similar service is available. No radio transmitter or antenna shall be constructed or permitted to remain on any lot in the Development except by written consent of the Environmental Control Committee", as modified by rulings of the Federal Communications Commission (FCC) of the Federal Government. No Satellite dish antenna larger than one meter (39.4") in diameter of whip antenna longer than twelve feet (12') will be approved.
- n. Fences: Fences must be of a design approved by the ECC. Chain link and plain wire fences are not acceptable. To pet proof an acceptable fence, wire may be used on side next to the Owner's Yard if it is factory or field coated in black or very dark green or brown. Fences may not encumber walkways or infringe on easements adjacent to property lines.
- o. Erosion: Erosion must be controlled to minimize silt loss from the lot. This is best accomplished by not disturbing natural existing plant cover. Silt of Super silt fence shall be required on any lot as set forth in regulations adopted by the Board of Directors to impede silt required on any lot as set forth in regulations adopted by the Board of Directors to impede silt discharge during construction, and it must be retained until natural cover is established, after which it shall be removed. Super silt fence is required on water front lots, unless otherwise approved by the ECC.
- p. Other: Other items which will be reviewed by the ECC and must be shown on the plans include; Heat pump, fuel tanks, and air conditions are screened from view; exterior lighting is shielded so as to not be a nuisance to neighbors; flag poles and banners; house numbers conforming to the LLA standards; permanent barbecues and outdoor fireplaces; dog houses and dog runs; docks in or on a lake; signs; play equipment structures and common use structures, among others. These and other structures visible to the neighbors must be submitted for approval.

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APPROVED MATERIALS
(if compatible with building design)

A. Roof

Hand-split re-sawn cedar shakes

Architectural, heavy textured asphalt shingles, w/25 yr. Warranty.

Slate

Terne metal standing seam, painted an approved color

Standing seam galvanized steel coated with Kyar or equal of approved color V crimp.

Concrete or fiber reinforced shingles of approved color and texture. Roof colors: dark, non reflective as black, dark shades of either gray, brown, green, or red, earth and forest colors, natural weathering as on cedar shakes.

B. SIDING (Updated and Approved by BOD 5/7/2003)

Stone (natural) of an acceptable pattern, or emulated stone if well applied and of a pattern and color acceptable to the ECC.

Brick of an acceptable color (local reds & salmon generally acceptable.) Wood siding of Cypress, Cedar, or Redwood of other species in patterns of colonial, bevel, German, v-joint, vertical board and batten, board-on-board, of channel rustic; all either finished smooth or rough sawn, painted or stained, all as approved by ECC.

Stucco or EIFS in an acceptable pattern and color.

NOT usually APPROVED; Texture T-111 plywood or similar; plywood scored in imitation of plank siding; composition siding in imitating stone or brick; bright aluminum or galvanized steel; raw concrete blocks in common bond; and raw concrete; among other to be decided by the ECC. Clear, transparent coatings applied in an attempt to retain the natural appearance of wood are not encouraged since they fail and must be renewed yearly, unless conclusive evidence is shown to the contrary.

Vinyl siding with the texture and appearance of cedar siding, colors as stated in Section 2., Design Standards.

Siding will meet or excide nominal Thickness per ASTM D3679 section 4.2.

Thickness will be .044" nominal

PVC material embossed with texture of wood grain pattern.

Vinyl siding will have a 40+ manufacturers warranty.

Vinyl siding will be installed based on manufacturers recommended installation instructions, a copy of those instructions will be provided to ECC.

Applicant for vinyl siding must provide documentation and color sample.

BOD Approved 7/13/98