

LAKE LINGANORE ASSOCIATION

ENVIRONMENTAL CONTROL COMMITTEE

Revised February 3, 2014

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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 and Applicant, 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.

ENGINEER’S CERTIFICATION Where this term is used in these guidelines Engineer shall mean Professional Engineer and or Professional Licensed Surveyor.

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).

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.

OWNER Owners of lots within LLA specifically including builders that own lots and are developing lots and/or constructing improvements upon such lots.

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

PATHWAY A trail or other walkway (including but not limited to paved, unpaved, natural and stone).

PERMIT CONSTRUCTION Provided to applicant building a structure.

PERMIT UNDERGROUND UTILITIES Provided to applicant installing UG lines in common area of LLA.

PUD Planned Unit Development.

SHA State Highway Administration Design standards for roadways mandated by the state.

SWM Storm Water Management Seeks to reduce, control and prevent stormwater runoff to improve water quality and either reduce or control flooding and erosion.

TRAILS A path, track or unpaved lane or road (including but not limited to paved, unpaved, natural and stone).

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 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.

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 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.

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. MEMBER IN GOOD STANDING: Applications may only be made by members in good standing. The ECC Administrator will not accept or process any applications by members that are outstanding in their assessment payment, or that are in violation of Lake Langanore Association governing documents. Any application received by a member not in good standing will be returned. Applications may be re-submitted once all obligations, whether financial or compliance related, are resolved.

5. 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.

6. 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 sixty (60) day rotation for the ECC to render a decision on an application does not start to run until it is "received" as defined herein.

7. TIME FOR CONSIDERATION OF APPLICATIONS: Any adequate application not acted upon by the ECC within sixty (60) 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 Three (3) weeks after it is received as set forth above, but the applicant cannot be assured of such a three (3) 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.

8. 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 to 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.

9. 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 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.

10. 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.**

11. 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.

- 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 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.**

12. APPLICATION FORM: An ECC approved form Application must be completed by the applicant. There are several different Application Forms that may be used depending upon the nature of the development, construction or modification. Sample Application Forms are attached hereto and each describes the type of development, construction or modification to which it may be applicable. Any questions as to which Application Form is applicable to a particular proposed development, construction or modification should be directed to the ECC Administrator for response prior to submission of the Application. 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.

13. EXECUTION OF APPROVALS: If the ECC approves the application or approves the application subject to conditions, the Owner may be required to execute a CAC outlining the specific conditions that are to be met. The ECC Administrator shall have the authority to determine if a project requires the execution of a CAC. 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.

14. 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 Lingore 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) **APPOINTMENTS 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 which would bring to the ECC 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 and shall be considered a member of the committee with full voting rights.
- 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 shall be reconsidered 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 ECC 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 then 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 an 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 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 vote 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.
- 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 creating 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.

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. Lots and driveways are to be designed to allow for maximum parking of vehicles and long term parking on roadways is discouraged.
- E. Water is to be retained on or near the site, and beyond that, detained and slowed to the maximum practical extent and managed in a manner not to adversely impact trails, paths and roadways by providing safe passage, using a ten-year storm event as the design basis. Temporary SWM design and Permanent SWM designs are monitored closely for the protection of existing property.
- 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.
- I. Trails and pathways adjacent to the site will be graded and stabilized with grass by applicant so that final grades are in conformity to the new grades established by construction. Signs should be installed indicating the trail is part of the LLA system.
- J. Road and drainage infrastructure adjacent to and impacted by building will be installed by applicant utilizing approved standards and guidelines of the LLA. Storm inlets and storm drain pipe will be installed as necessary to accommodate the impact of new construction and cost will be borne by applicant. Maintenance of approved infrastructure installed will be turned over to LLA and will be included under existing agreements for same.

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. Sloped lots exceeding 15% must show a temporary SWM plan in addition to a final grading and SWM plan.
 - 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 avoid cutting numerous lanes through trees. Cleared lanes for utilities are not to exceed fifteen feet (15') in width.
 - 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. Trees and understory growth to be preserved will be identified by the ECC Administrator after an on-site inspection and review with the builder. Trees less than six inches (6”) in diameter may be preserved, if in the opinion of the ECC Administrator they contribute to the overall appearance, i.e. dogwood, redbud, iron wood, wild cherry, mountain laurel, etc. All Trees and/or understory growth identified for preservation will be protected by a temporary plastic fence erected ten feet (10') from the trunk or around understory plants similar in nature to tree preservation methods shown in SHA Standards, most current edition. The builder will ensure that no damage occurs during construction by not allowing construction equipment or excavated dirt and debris inside the barrier of the fence. Damage to any of the aforementioned trees or understory growth as a result of the builders negligence may result in funds (as specified in Appendix A, Liquidated Damages Amounts) being drafted against the builders escrow or letter of credit.
 - 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 Installation:** 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. All utility ditches in non-paved areas 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.
 - 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 to discharge points off the subject property and past the nearest trail, path and roadway when completed, if applicable. Show driveway location and grades as well as connection to the street with the drainage swale, pipe and headwalls proposed and identify how it will tie into the drainage at the nearest off-site point. Provide an Engineer's Certification that the discharge point is adequate to safely convey a concentrated point of relief for conditions up to a 10 year storm event and the stormwater management plan of the site is compatible with discharging into any existing stormwater management systems.

- 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 ten (10) 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 verity of paves; and 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 pervious 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. Provide an Engineer's Certification that pipe size is adequate to provide safe passage of water volume equivalent to a 10-year storm event.
- 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 accordance with requirements established by the Frederick County Division of Fire and Rescue Services.
- 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 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
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 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 tern roof, and architectural, (heavy textured) asphalt shingles are all acceptable. Preformed steel or galvalume, if pre-painted 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 / Sheds / Exterior Storage Structures: Service Yards should be given the same attention as the house design, and should be coordinated with it architecturally. All sheds / Exterior Storage Structures regardless of home type shall be placed on a level surface and be maintained in accordance with LLA covenants regarding exterior maintenance of a home.
 - 1.) Detached Homes: 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. Sheds must conform in design, materials, and colors, to the existing home unless concealed under a deck that is completely screened with lattice or like material. Steel, vinyl, aluminum, or other non-wood sheds are prohibited on any viewable part of a lot. In general, shed size is limited to 160 square feet unless applicant requests and receives an exception from the ECC. Space in a garage may substitute for a service yard only if one hundred (100) square feet of the garage is available in addition to one hundred and fifty feet (150) square feet for each vehicle space.
 - 2.) Townhouses
 - a) Townhouses Enclosed by a Privacy Fence.
Sheds / Exterior Storage Structures may not exceed the height of the privacy fence and must be placed in one of the four corners of the lot. Sheds /

Exterior Storage Structures must conform to the color and appearance of the unit and must have either true lap siding or a molded horizontal siding appearance.

b) Townhouses Not Enclosed by a Privacy Fence.

If there is no existing dividing fence on the property, one must be installed. Sheds / Exterior Storage Structures may not exceed the height of the privacy fence. Proposed shed must be screened on two adjacent sides with privacy fence and must conform to the color and appearance of the unit and must have either true lap siding or a molded horizontal siding appearance.

- 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 LLA Covenants 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 or 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. The height of the fence will not be any higher than four (4) feet, unless applicant requests and receives an exception from the ECC.
- o. Erosion: Erosion must be controlled to minimize silt loss from the lot and shown on the Site Plan with a Sequence of Construction. This is best accomplished by not disturbing natural existing plant cover. Super silt fence shall be 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. Standard silt fence may be used in lieu of super silt fence only when applicant can demonstrate through submitted plans that the majority of the subject property is flat or has very little contour. Lots exceeding 15% slope will have a temporary storm water management device installed in coordination with the clearing and grubbing stage to ensure management of concentrated flows during construction.
- p. Solar Panels:
When planning the installation of solar collector systems on an existing house, townhouse or new house, particular attention to aesthetic appearance must be addressed. The size of the panels should be proportionate to the proposed roof surface or exterior wall location, as applicable. In addition and subject to applicable laws, these specific guidelines must be met:

- All cables must be installed along the roof, rake, ridge and/or eaves to conceal from view.
- Cable may not be placed across any front elevation of the house.
- Any cable(s) or tubing affixed to siding must be concealed by trim, faux gutter, or conduit that is painted to match the existing siding color.
- Panels, cables, and apparatus related to the operation of the solar collector systems must be maintained for appearance and operational factors. The owner shall be responsible for all such maintenance and related expenses.
- Any additional proposed solar collector systems, beyond those expressly approved by the ECC, must be submitted to and approved by the ECC.
- If any new color or style of shingles is approved by the ECC related to installation of solar collector systems, all roof sections must be replaced to achieve a uniform appearance. If any new color or style of exterior wall covering is approved by the ECC related to installation of solar collector systems, all exterior wall sections must be replaced to achieve a uniform appearance.
- Black solar collector systems are recommended for aesthetic reasons.
- Panels are only permitted to be installed on the surface of a roof or exterior wall of a home or other building approved by the ECC. Temporary or permanent solar collector systems may not be placed in yards on posts or any location other than a roof or exterior wall surface.
- Exterior inverter boxes must be placed next to the existing electric meter and must be screened from view or painted to match the color of the existing siding.
- All panels should be centered on a roof or exterior wall section and/or align with existing windows and other features in order to provide an acceptable aesthetic appearance. Proposed location of panels must be approved by the ECC prior to installation.

NOTE: Installation of solar collector systems (as defined in Section 2-119 of the Real Property Article of the Maryland Code), including solar panels, shall be permitted as provided herein and consistent with Maryland law or then applicable law, if any. Current Maryland law provides that any restriction regarding the installation of solar collector systems cannot be unreasonable, meaning that such restrictions cannot significantly increase the cost of the solar collector system or significantly decrease the efficiency of such system. All of the specifications herein provided are subject to the aforementioned legal limitations related to cost and efficiency, and as such, are generally consistent with the current law. However, because the law regarding solar collector systems is developing and is subject to change or modification, the Board of Directors reserves the right to amend and modify the ECC Guidelines governing installation, maintenance, and use of solar collector systems, which guidelines may be more restrictive than current guidelines.

- q. 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.

APPROVED MATERIALS
(If compatible with building design)

A. ROOF

- Hand-split re-sawed cedar shakes
- Architectural, heavy textured asphalt shingles, w/25 yr. Warranty.

- Slate
- Tern 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.

Not usually approved: bright aluminum or galvanized steel; lightweight asphalt shingles; aluminum or steel stamped in imitation of shakes or other textures; any material white in color; and “tar paper”; among others to be decided by the ECC.

B. SIDING

- 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.
- Vinyl siding with the texture and appearance of cedar siding, colors as stated in Section 2. Design Standards. Applicant for vinyl siding must provide documentation and color sample.

- 1) Siding will meet or exceed nominal Thickness per ASTM D3679 section 4.2.
- 2) Thickness will be .044” nominal
- 3) PVC material embossed with texture of wood grain pattern.
- 4) Vinyl siding will have a 40+ manufacturers warranty.
- 5) Vinyl siding will be installed based on manufacturers recommended installation instructions, a copy of those instructions will be provided to ECC.

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.

PRE-CONSTRUCTION REQUIREMENTS

1. Owner and builder shall provide sanitary toilet facilities for all workers prior to the start of construction; storage container(s) of adequate size to hold all debris generated on site; and maintain a neat building site. Building materials and storage containers are not to be stored on the road right-of-way, but may be on site or at a location on nearby private property with the prior written consent of the Owner and of the ECC. Daily cleanup with off-site disposal is preferred, in which case a storage container for debris will not be required.
2. PRIOR to construction, Owner or Builder shall establish, at their expense, a pull-off area of either stone or asphalt on Association right-of-way adjacent to the building lot, or on said lot, to adequately accommodate all temporary parking of construction and delivery vehicles at all times. Such site is to be determined at the time site plans are submitted and approved by the ECC. The pull-off area will not be used for storage of construction material. The road shall be kept open to

through traffic at all times and maintained at the same or better condition as existing prior to construction. Contractors must provide proper maintenance of traffic during material deliveries and operations by notifying ECC of planned deliveries at least 2 days prior, by providing proper signage, cones or personnel for any road blockage of any duration. Alternatively flagmen with radios may be utilized.

3. PRIOR to construction, Owner or Builder shall establish, at their own expense, an entry to the lot covered with permanent paving or #2 stone or larger, in such a manner to prevent the tracking of mud onto roadways, and will install the necessary culvert or concrete driveway plan to allow for the flow of all storm runoff.
4. PRIOR to construction, Owner or Builder shall provide adequate soil erosion and storm water controls to prevent the erosion of soils and sediments from the lot. Temporary SWM devices to be installed simultaneously with clearing activities on all lots exceeding 15% slope. The Owner or Builder shall maintain the controls during the entire period of construction and post-construction until natural plant materials or retaining structures are adequate to stabilize all soils at which time such controls are to be removed. Super-silt fences are required on all new home building projects. On sites not under a current overall County Soil and Erosion Control (SEC) plan, measures shall be in place and approved by Association Staff prior to any construction.
5. PRIOR to construction, Owner or Builder shall request a pre-construction inspection from the ECC. An agent of the ECC will inspect the site to verify compliance with all approved practices required before construction is started.

CONSTRUCTION REQUIREMENTS

1. Owner and Builder agree to further comply with the following specific requirements during construction:
 - a. The Owner and Builder shall be responsible for supervision of the site, the construction, and all contractors and subcontractors.
 - b. The site will be kept neat. All trash and waste, including land-clearing debris generated on site, will be contained in an approved container(s) until removed from the site.
 - c. No materials will be stored or discarded on adjacent lots, in the Association or public right-of-way, or on Association property.
 - d. All areas inappropriately disturbed, e.g. common property, roads, utilities, etc., will be promptly restored in a manner satisfactory to the Association. Should an adjacent lot private property be damaged by the Builder or Owner, it shall be restored to its original condition, or adequate compensation shall be given to the Owner of the damaged property by the Owner or Builder.
 - e. Hours of construction will be confined to the following:
 - Monday-Saturday 7:00AM to 7:00PM
 - Sunday 12:00PM to 5:00PM
 - f. Exterior mechanical equipment will be screened from view by plantings or enclosures, as approved by the ECC.
 - g. Siding material is to be installed as per Section 8 of the Rules and Regulations, as adopted by the Association.
 - h. Landscaping materials must include a variety of hardwood trees as well as smaller shrubs, and be installed in accordance with the approved landscape plan.
 - i. Proper stabilization of disturbed area will occur on site within 14 days of final grade by using temp-seed, permanent seed, Curlex, matting material, or other generally approved stabilization materials.

- j. The mixer drums of ready-mix concrete trucks shall not be cleaned, nor washed out, nor excess concrete be deposited in the LLA PUD. All such activity shall be done outside the LLA PUD. The external chute mounted on the ready-mix truck and the exterior surface of the truck may be washed out on-site provided all concrete scraped or washed for the chute and all water used for the wash-down of the chute and truck exterior will be disposed of on the lot on which the structure is being built and only in locations which will be covered by not less than 18 inches (18") of soil.

The CAC provides for a deposit against damages that may be caused to the Association common property and facilities and/or to protect against the unauthorized removal of trees. PRIOR to the release of this deposit, the ECC shall make an inspection to ensure that no damages have been caused or trees improperly removed. In the event that such damages were caused and/or trees were improperly removed, the Owner shall be provided notice and shall be given an opportunity for a hearing before the Board or the CCC, as applicable. If no hearing is timely requested, the ECC shall be authorized to use the deposit funds to take appropriate corrective action. Notwithstanding the above, in the event of a bona fide emergency no notice and hearing shall be required. However, the ECC shall promptly notify the Owner of the actions taken and funds expended. In the event of violations or non-compliance, further enforcement action may be taken by the Board or the CCC as noted above and as outlined in enforcement procedures adopted by the Board. In addition to the above, in the event damages are caused to the Association's common property that exceed the deposit, the Owner shall be personally responsible for the same and shall indemnify and hold the Association harmless for such damages.

VI. SUBMISSIONS TO THE ECC

GENERAL

All elements of the house exterior, and in view, on the lot must be explained in the submission to the ECC, and are to be reviewed for compatibility. The exhibits submitted must be complete and accurate enough that a Committee sitting around a table will fully understand exactly what the Owner wants to build --- otherwise the wrong judgments may be made to the detriment of the Owner because of miscommunication. Rendered elevations, perspective drawings, and pictures are helpful in communicating ideas, but are not required. All lot improvements and buildings must be completed as approved. Only those parts of structures and other changes, which can be seen from the exterior of the buildings or related to the site, such as doors and windows, need be shown in the submission. The ECC approval does not imply structural adequacy, since it is not concerned with such matters. Builders and Owners must obtain structural advice from others. ECC approval is not a substitute for, or in lieu of, other building codes, rules, and regulations. The codes used by governments at all levels are controlling, and no action by the ECC shall be construed as contravening any other government code.

REQUIREMENTS

1. *Applicant Must Prepare and Submit Plans in Accordance with this Section* – Any owner of any tract of land located within the jurisdiction of the Lake Linganore Association and Environmental Control Committee, who creates a disturbance of land, shall cause a plan of such activity to be made in accordance with the regulations set forth herein.
2. *Approval of Plan Required* - Plans may be submitted to both the Lake Linganore Association Environmental Control Committee and Frederick County Department of Permit Review simultaneously, however, work may commence only upon complete approval by both entities.

3. *Penalties* – Any applicant who violates these regulations shall be subject to the penalties set forth in the governing documents of the Lake Linganore Association.
4. *Discrepancy* – Wherever there is a discrepancy between minimum standards or dimensions noted herein and those contained in the Zoning Ordinance or other official regulations of Frederick County, or other governmental agencies, the more severe standards shall apply.

GENERAL STYLE AND FORM

1. *Provide Information* – Plans shall provide all the pertinent information as to existing site conditions, property ownership, and the like, that may be necessary for the ECC to properly consider the proposed development. This information shall be accurate and reliable.
2. *Plan of Development* – It shall show the general plan of ultimate development for the property. This information should be drawn to scale.
3. *Drawing Material* – It may be drawn in pencil or ink, on a reproducible material, and shall be at a scale no smaller than one inch per 30 feet or as required by the ECC Staff.
4. *Vicinity Map* – It shall include a vicinity map showing the location of the property and its relation to other plat sections, roads, streams, etc., at a scale no smaller than one inch (1”) per 800 feet.
5. *Title Information*
 - a. Plan name to include lot number, village, and street address.
 - b. Names, addresses, and phone number of owner, builder/contractor, and Architect, Landscape Architect, surveyor, or engineer, if any.
 - c. Description of lot location by streets, tract, political subdivision, etc.
 - d. Scale, north point, and date.
 - e. Surveyor’s certification of boundaries and Engineer’s certification when applicable.
 - f. Information as to Existing Physical Conditions.
 - g. Revision block.
6. *Information as to Existing Physical Conditions*
 - a. *Boundaries* – Boundaries of the land being developed in heavy outline, and the acreage therein. The source of horizontal datum shall be included.
 - b. *Topography* – Topographic contours at two (2) foot intervals. The source of the contour data shall be indicated. Contours shall extend fifty (50) feet beyond the lot boundary except across a public road. Existing contours to be shown with dashed lines.
 - c. *Physical Features* – Water courses, wooded areas, floodplains, wetlands, buildings, transmission lines, pipe lines, other utilities, bridges, and any other significant physical items, with the sizes and grades of any water or sewer lines. This includes but is not limited to the following:
 - All trees 6’ and larger in diameter measured at one (1’) foot above ground.
 - All other significant features of the lot, such as rock outcroppings, drainage swales, good views, etc.
 - Adjacent common property

- Trails and waterways and the method utilized to prevent altered stormwater flows directed over or into them.
 - Water or sewer line if within one hundred (100') feet of lot or to be impacted by development.
 - Nearest wall of existing building (or those proposed by the applicant) on adjacent lots.
 - Rock outcroppings with description of plans to mitigate such if in the footprint of the construction. Blasting is not recommended if near existing dwellings and Builder shall be obligated to prove the need for blasting and provide a plan to mitigate the risks.
 - Government required flood plain and wetlands with setbacks and/or buffers, if any.
- d. Streets and Roads – Locations, widths, and names of all existing roads, any street that bounds it; including those recorded but unimproved (shown by dotted lines); alignment of the centerline of the drainage ditch along the road or lot lines; elevations of the centerline of the road opposite the front corners and opposite the centerline of the driveway; utility, or other rights-of-way or easements; parks, and other public spaces; subdivisions, lots, and property lines; the locations and outlines of permanent buildings; the owner names, liber and folio of all adjoining property. Installation of LLA approved storm inlet for pipe crossings if they currently do not exist.

7. Information as to Proposed Site Improvement

- a. Proposed Topography – Proposed topographic contours at two (2) foot intervals, shown with solid lines, and spot MSL elevations at critical points in the plan. Trees and natural vegetation to be cleared for the house location and areas of the lot to remain undisturbed. Proposed grading and final grass planting within graded areas for any trail or pathway bordering the site so that final grades tie together and common area can be utilized and marked for intended purpose.
- b. Environmental:
- Stormwater – Temporary and permanent managed stormwater flow over the finished lot and points of discharge at the lot lines if concentrated, as in pipes and ditches, proposed path of stormwater to drainage or stream on common property, impact and proposed mitigation for common area, and sediment and erosion control measures. Applicant must submit a pre-certification by a civil engineer licensed in the State of Maryland that all storm water flow on the lot and/or being received on the lot has been calculated for a ten year (10) storm event and will have safe conveyance across the lot and at the point of discharge from the lot so there is safe conveyance even at the concentrated point of release. (See Section V, Item 1, Paragraph F). Plans must include notation of any existing SWM devices including but not limited to Filtration Trenches and corresponding 2 inch to 4 inch diameter outfall pipes. Protective barriers during construction and marker at outfall pipe when final grade is established are required.
 - Existing Trees – Proposed temporary and permanent protection for minimizing damage of root systems of trees ten (10") inches or more in diameter at breast

height, in areas where the root system may be disturbed by ditching, excavation, or construction activity. For this purpose the root system shall be assumed to be at the drip line of the canopy above, or fifteen (15') feet from the tree trunk, whichever is the greater dimension.

- Sediment and Erosion Control – SEC general notes, details of SEC devices, SEC measures, and SEC Specifications and details shown. Temporary and permanent.

c. Construction:

- House Locations - House locations with foundation walls to scale. (It is not necessary to show interior room arrangements, but it is desirable to show locations of room uses within the outline of the building to foster better understanding by the ECC of the intended construction.) Parcels of land intended to be conveyed or temporarily reserved for public use or for the joint use of property owners, with an explanation of the provisions or conditions of such conveyance or reservation and the proposed arrangements for ownership and maintenance including but not limited to Trails, Pathways and SWM devices
- MSL Elevations – MSL elevations of finished basement, entry foyer, and main floor based on the same datum as the contours of existing grades.
- Accessory Amenities – Patios, porches, terraces, walks, stoops, exterior stairs, retaining walls, fences, storage tanks, utility pedestals, AC or heat pumps, service yard, accessory buildings and similar improvements, to scale with MSL elevations of these features and of finished floors and of other significant features including but not limited to Trails, Pathways and SWM devices.
- Driveway – Driveway to scale, with centerline elevations at all critical points; drainage pipes, at the centerline of the drainage swale alongside the street if required by site conditions. Show pipe invert elevation and its diameter, or cross section dimensions of elliptical “squash” pipe. Flare driveways on a seven (7') foot radius or seven (7") foot triangle for the apron at the street paving. (See the most current LLA Road Standards for required apron characteristics.) All driveway aprons must be a minimum of 18 feet wide, Radii not included in measurement. Also plans must clearly indicate location of any possible additional on-lot parking areas for future use.

d. Utilities – Locations of existing and proposed utilities and drainage facilities, locations of connections to mains off-site, and areas to be cleared for their construction.

e. Building Setback – Proposed building lines along all streets, with the amount of setback indicated.

f. Description of Improvements – General description of structures, driveway, sediment and erosion control and other improvements proposed to be installed.

8. Graphic Information

- a. Boundaries – Exact boundaries of the lot area with dimensions to hundredths of a foot and bearings to half-minutes. These boundaries may be determined from existing plats of record.

- b. Bearings and Distances – Bearings and distances to the nearest recorded property corners or other monuments which shall be accurately described on the plat.
- c. Adjoining Owners – Names and locations of adjoining subdivisions and the locations and ownership of adjoining un-subdivided property.
- d. Adjoining Roads – Exact locations, width, and name of each existing or recorded road or street adjoining or intersecting the boundaries of the tract.
- e. Engineering Data – The exact length and width of every road, street, alley, easement, or other public or private way within the tract, with the length and bearing of every tangent, length of arcs, radii, internal angles, point of curvature, and any other necessary engineering data; with the names of such ways, and the purpose of easements or other ways. Accurate location of every lot line with its dimension to hundredths of a foot and bearings to minutes, except that this data need not be repeated on a series of parallel lines or lines of the same length.
- f. Setback Lines – Minimum building setback lines on all lots and other sites.
- g. Public/Association Lands – Accurate outlines or any areas dedicated or reserved for public use, or for any other purpose except sale, with the purpose indicated.
- h. Lot Area – Accurate area of each lot or parcel, other than public ways.
- i. Drainage Lines– Existing and relocated courses of any water or drainage flow arrows; courses traversing the tract, with the right-of-way or easement lines provided therefore. The above include downspout outfalls. Drainage lines must be designed to have no impact on or over LLA common area (outside of roads and ditches) such as trails, paths parks or playgrounds. Downspout outfalls may be directed to stormwater systems such as ditches, if existing system can accommodate but in no case may they flow on to driveways unless flow is directed away before entering roadway. Drainage flow shall have safe conveyance beyond trails and paths.

9. Certificates and Other Information

- a. Design Certification– Certificate and signature of the designer to the effect that the plan and proposed design is correct and represents the proposed improvements to the property.
- b. ECC Approval – A space shall be provided for Certificate of Approval by the Environmental Control Committee.
- c. Engineer’s Post Runoff Certification – Calculations and signature of the engineer that the stormwater runoff information is correct, if applicable. Shall be in accordance with a 10 year storm event. Certification by Engineer that completed work is in compliance with original design to their best knowledge and belief. This requires a final inspection and certification by Engineer for items included in original design.
- d. Engineer’s Pipe Size Certification – Calculations and signature of the engineer that the pipe and drainage ways are correct, if applicable. Shall be in accordance with a 10 year storm event.

A. THE SITE PLAN SUBMITTED

Site plan must show all of the following information on a drawing at a scale not to exceed 1" = 20' (All references to "elevations" on site plans refer to feet above mean sea level (MSL) based on USGS datum.)

1. Existing, (use dashed lines) and proposed final contours (shown with solid lines) at vertical intervals of two feet (2') or less, and spot MSL elevation at critical points in the final plan to include 50' offset all lot lines.
2. All trees 6" and larger in diameter measured at one foot (1') above the ground.
3. All other significant features of the lot, such as rock outcroppings, drainage swales, significant views, etc.
4. Trees and natural vegetation to be cleared for the house location, areas of the lot intended to remain undisturbed.
5. Proposed location of the underground utilities and location of connections to mains off-site, and areas to be cleared to enable their construction.
6. House location with foundation walls to scale. It is not necessary to show interior room arrangements, but it is desirable to show locations of room uses within the outline of the building to foster better understanding by the ECC of intended construction.
7. MSL elevations of finished basement, entry foyer, and main floor based on the same datum as the contours of existing grades.
8. Patios, porches, terraces, walks, stoops, exterior stairs, retaining walls, fences, storage tanks, utility pedestals, AC or heat pumps, service yard, accessory buildings and similar improvements, to scale and with MSL elevation of these features and of finished floors and of other significant features.
9. Lot lines with dimensions and bearings; adjacent common property; trails and walkways; water line if next to a lake; street location and width; alignment of the centerline of the drainage ditch along the road; and elevations of the centerline of the road opposite the lot front corners, and opposite the centerline of the driveway. (Government requirements regarding flood plain and wetlands, if any, must be shown.)
10. Driveway to scale, with centerline elevations at all critical points; drain pipe, at the centerline of the drainage swale alongside the street if required by site conditions. Show pipe invert elevation and its diameter, or cross section dimensions of elliptical "squash" pipe. Head walls are required on all pipes under driveways within the street right-of way. Flare driveways on a seven foot (7') radius or seven foot (7') right triangle for the apron at the street paving. (See most current LLA Road Standards for required apron characteristics.) An Engineer's Certification of adequate pipe size shall be shown on the Site Plan.
11. Managed stormwater flow over the finished lot (and managed flow from the lot while under construction) and points of discharge at the lot lines if concentrated, as is pipes, ditches, and the proposed path of stormwater to a drainage ditch or stream on common property. If not part of a current valid County SEC or SWM plan, provide the following: Drainage Area Map, Pre- Runoff Data, and Post Runoff Data, or an Engineer's Certification that post runoff does not exceed pre-runoff.
12. Proposed temporary and permanent protection for minimizing damage of root systems of trees ten inches (10") or more in diameter at breast height, in areas where the root systems may be disturbed by ditching, excavation, or construction activity. For this purpose the root system shall be assumed to be at the drip line of the canopy above, or fifteen feet (15') from the tree trunk, whichever is the greater dimension.
13. Post lantern location and type.
14. North arrow, lot number, village, street address; name, address and phone number of the house Architect, the landscape Architect, the Engineer, the Owner, the Builder, if he/she has

been selected, plus date and scale. If revised, dates of revisions are to be included in the title block.

15. Nearest wall of existing buildings (or those proposed by the applicant) on adjacent lots.

16. Additional required plan items:

- General SEC Notes (Applicable County Notes)
- Design Certification (Modified County Plan)
- Construction Sequence
- Details of Sediment Control Devices and sequence of construction.
- Disturbed Area delineated, i.e., Limits of Disturbance
- All proposed improvements
- All Sediment Control measures shown and labeled
- All proposed and existing contours
- Scale
- Adjacent property owners
- Title information
- Date
- Owner/Developer/Builder addresses and telephone numbers
- Specifications and details when applicable
- Drainage area shown
- Any proposed storm drainage structures, if applicable
- Pipe material
- Structure schedule, if applicable
- Pipe schedule
- Storm drain easements and widths shown
- Open channel details (Cross-sections, profiles and computations may be required)
- Rip Rap (Calculations and details may be required) and only allowed under extreme conditions.
- All storm sewer, sanitary sewer, and other easements shown within 50' of the lot
- North arrow and datum
- Vicinity map
- Drainage arrows where designed
- Walks, trails, roads and common property within 50' of lot or potential adversely impacted by construction
- Items shown on a current valid County SEC/SWM Plan may be waived by Association Staff
- Floodplain and buffers (if applicable)
- Wetlands and buffers (if applicable)

B. BUILDING ELEVATIONS (view of each of the four (4) sides)

Drawings shall be at scale of ¼ inch per foot is preferred, but 1/8 inch per foot minimum on the ends and rear may be acceptable if all significant details and features as they will be seen by persons anywhere outside the house are shown on the drawings, provided, nevertheless, that the ECC may require a scale of ¼ inch or larger per foot on any elevation in a particular case for which it deems it to be necessary to present information accurately and adequately. The elevations shall include all attachments and accessory structures attached to the house, such as retaining walls, decks, porches, etc., as well as the final finished grade next to each wall, all to be accurately represented. Accessory buildings and fences are to be similarly shown. Note the type of siding to be used on each elevation, as well as the treatment of any exposed foundation or basement wall. Colors may be shown thereon or on a separate schedule.

Rendered elevations, photographs, and perspective drawings, though not required, would be helpful in informing the ECC, particularly when innovations and unusual features are proposed.

C. FLOOR PLANS

Working drawings shall be at one-quarter inch (1/4") per foot scale. Working drawings at that scale are acceptable if they show all of the required information. Floor plans of each floor need only show features affecting the exterior appearance of the building, such as exterior doors and windows, porches, and decks, etc. If the room plans are not shown, not the use of the various areas of the plan. (i.e.: LR, DR, K, BR, etc.) If this information for the lowest floor or basement is shown in the site plan, it need not be repeated on another sheet. Preliminary plans are acceptable if all information needed by the ECC to evaluate the application is shown, and if the final construction drawings accurately follow the plans approved by the ECC. Final construction drawings may also be used in the submission, without duplicating information otherwise shown. If two (2) or more levels connect to the final grades, (two (2) or three (3) floors with exterior access to grade) information not shown on the site plan because it shows only the lowest floor, must be shown on each plan where exterior improvements attach at that level, such as stoops, walks, decks, etc. In some cases this may be shown on the site plan with the use of cuts through the plan, enabling two (2) levels to be shown within the same wall outline.

D. LANDSCAPE PLAN

A plan showing proposed landscaping, with names of plant types and varieties, areas to be seeded or planted to ground covers, and trees to be planted. This may be on a separate sheet or on the site plan. Where flowering or street trees are pre-selected by the ECC for a street, neighborhood, or village, part of the landscape planting shall be of the species, variety, and size so selected. Unless otherwise approved by the ECC, at least one-half (1/2) of one percent (1%) of the total market value of the property subject to a minimum of \$750.00 shall be expended for landscaping of wooded or substantially wooded lots. At least one percent (1%) of the total market value of the property subject to a minimum of \$1,500.00 shall be expended for landscaping of non-wooded or slightly wooded lots. Landscaping shall mean the installation of trees, permanent shrubs, ground cover, planting beds, terraces, or tree wells; but shall not include lawn, mulch, temporary or annual plantings, fences, or construction to control drainage. Total market value of the property shall be the market value of the lot and improvements. All landscaping under this provision shall be in place within the first month of the next growing season following substantial completion of the construction authorized. All planting material must survive one (1) growing season or be replaced by the Owner.

1. Minimum Criteria for Landscape Plantings – The minimum landscaped areas, or retained existing vegetation on an individual lot shall not be less than 20% of the land area (not including the square footage of the house structure) of the lot.

E. SCREENING UTILITY PEDESTALS

In those cases where the electric and phone company "pedestals" occur on a lot, they should be screened with shrubs, a fence, or a wall in accordance with utility easement requirements.

MULTIPLE LOTS AND REPEATED DETAILS

A. PREVIOUS MODELS

Where the same house, already approved, is to be repeated on other lots, the site plan and exterior elevations will be required, nevertheless, for each lot. Floor plans may be included by reference to those previously approved. Significant changes must be submitted. Repeated details such as deck, railings, siding, roofing, etc., may be included by reference to those previously approved by the ECC. If the Builder is to avail him/herself of reference to previously approved plans, and details, he/she should

provide copies to be kept by the ECC in the particular Builder's "Master Plan & Detail File", and thereafter this master file can be referred to. Builders of multiple houses are advised to have a variety of color schemes and exterior materials approved for inclusion in his/her Master file and thereafter referred to relative to each house.

B. MULTIFAMILY HOUSING

Where more than one (1) dwelling is in a building, and townhouses are to be handled somewhat differently. Site plans as described above are required, but a complete building or row of townhouses are to be on one (1) drawing. An additional sheet may be required, at a smaller scale (such as twenty feet to one inch, (20'/1")) to show all buildings in the project as they relate to each other, parking, drives, drainage, and other elements of design which may be represented in this way. All of the information required for single-family homes must be included in multifamily submissions.

C. COMMERCIAL BUILDINGS

Commercial and community improvements shall meet the same level of quality in architectural and site design as expressed above for houses, while recognizing the need for flexibility in adapting to different uses.

VII. ADDENDUM TO ECC GUIDELINES

PURPOSE

The purpose for this addendum is to establish specific guidelines for certain villages within the Lake Linganore at Eaglehead PUD that have been partially developed. Whereas the scope of Lake Linganore at Eaglehead ECC guidelines is applicable throughout the entire PUD, certain villages have additional restrictive covenants that impact the overall design and appearance of that village. All LLA ECC guidelines will apply to the villages referenced below in addition to those specific requirements listed in this addendum.

A. WOODRIDGE VILLAGE GUIDELINES

All LLA ECC Guidelines are applicable in this village with the following additional requirements:

1. Minimum Square Footage – Homes in this village must be designed to a 2,500 square foot minimum of livable space. This does not include porches, decks, patios, out buildings or unfinished basements.
2. Architectural Style – The design of homes must be consistent with those throughout the village.
3. Garage Specifications – All homes in this village must have a minimum of a two-car garage. Single or dual garage doors are acceptable given the house design is consistent with those of surrounding homes in this village.
4. Developer Approval – The developer of this village (currently Land Stewards, LC) has the authority to initially approve or reject exterior design plans prior to final review by the Lake Linganore ECC. Plans approved by the developer may not necessarily be approved by the LLA ECC and may require further revision with the exception of the developer's two merchant builders whose designs have been previously approved by the developer. Any adequate application not acted upon by the Developer within fifteen (15) days after it is received shall be considered approved with the same effect as though approval were given in

writing by the Developer upon which time, LLA ECC will proceed with its review process.

B. ASPEN VILLAGE GUIDELINES

All LLA ECC Guidelines are applicable in this village with the following additional requirements:

1. Minimum Square Footage – Multi level homes in this village must be designed to a 2,000 square foot minimum of livable space. Single level homes in this village must be designed to a 1,800 square foot minimum of livable space. This does not include porches, decks, patios, out buildings or unfinished basements.
2. Exterior Walls – Exterior wall finishes must consist of a minimum eighty percent (80%) brick, stone, or combination thereof. Remaining exterior wall finishes may be of wood, stucco, or other natural material as approvable in accordance with prior written approval of the ECC. Aluminum, steel, plywood, (e.g. T-111) or other manufactured siding is not permitted. Vinyl products are only permitted upon approval by the ECC.
3. Garage Specifications - All homes in this village must have a minimum of a two –car garage.
4. Modular Homes – Modular or manufactured homes are not permitted in this village without prior written approval of the ECC.
5. Driveways – Off street parking facilities and driveways shall be constructed of blacktop, brick, or cobblestone only. Light colored concrete, gravel, and unpaved driveways are prohibited.
6. Mail and Newspaper Boxes – Mail and newspaper box design must be approved by the ECC and as regulated by the U.S. Postal Service.
7. Tree Removal – LLA ECC guidelines apply to this village with the exception that NO Dogwood trees of any size may be removed without prior written approval from the ECC.
8. Clotheslines – Clotheslines are prohibited in this village.
9. Fences – Metal, vinyl, and rubber fencing materials are prohibited in this village. Fencing materials shall be natural in appearance and installed only with the prior written approval of the ECC.
10. Pools – Above ground pools are prohibited in this village. In-ground pools must be installed pursuant to a plan submitted to and approvable by the ECC.