

04/02/2019

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# **Cumberland Lakes**

**ARCHITECTURAL & ENVIRONMENTAL**

**COMPLIANCE COMMITTEE**

**(AECC)**

**Requirements and Restrictions**

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## INTRODUCTION LETTER

Dear Property Owner,

The Architectural & Environmental Compliance Committee (AECC) is a committee generally consisting of five residents of Cumberland Lakes. The Property Owners Association (POA) Board of Directors (BOD) appoints committee members to determine what impact your construction project will have on our woodland environment.

The intent of this document is to provide information and guidelines you are required to follow during the exterior phases of construction. Throughout the document, the AECC emphasizes the importance of preserving the environment and respecting the property of other property owners.

Excluding holidays, the AECC meets at 9:00 AM on the third Tuesday of each month; at that time we review the requests for building approval permits. The AECC invites property owners to attend the meetings, and following the meetings, the committee is available to answer your questions.

To insure a prompt response from the AECC, please submit the appropriate information and forms associated with your request as **one complete package**. Depending on the scope of the project, page six (6) provides a list of documents that you must submit. **Incomplete information** or **forms** will result in delaying your request.

Once the committee has completed a full review of the information and the forms you submitted, the AECC must send you a letter, within a maximum of 45 days, informing you of its decision. In the event the AECC denies your request, you have the option to apply for a variance or, if necessary, you have the option to proceed with the appeal process outlined on page 14.

A member of the AECC will begin monitoring your project when you receive written notification of your request approval and the AECC committee member posts the permit. **The work performed must conform to the information you submitted to the AECC for its approval.** Any additional projects in the future required separate approval.

Contractors must deliver construction material to the homeowner's property. Keep easements clear at all times. No porta potty or overnight construction equipment allowed on easements. All contractors that will be on the property owner's premises will be subject to requirements set forth by the POA including hold harmless and indemnification in favor of the POA.

It is the sole responsibility of the property owner for all costs incurred in obtaining power to the property. This includes clearing and cleaning debris of properties affected where power poles and placement of the power lines.

AECC Chairperson

**TREE PRESERVATION:**

Regardless of the size or scope, any work performed on any property must **minimize** the destruction of mature healthy trees. Cumberland Lakes prohibits the practice of **clear cutting or the indiscriminate removal of trees on any property within the Association.**

In an effort to help prevent property damage caused by forest fires, the fire prevention officials **recommend** clearing a 30 ft. area around your residential dwelling of trees and shrubs. Should you select this **option** the area should extend from your residential dwelling's exterior walls to the surrounding tree line. Although this **option** addresses fire safety, it does not address the additional hazard of large trees falling on your home. To address this hazard property owners also have the **option** to remove trees that are a potential danger to life and property however, you must submit a special request to the AECC to perform this function.

Under no circumstances may a property owner extend their safety zone beyond the property line shared with a neighbor. In the event you find these options to be inadequate to accommodate your needs, you may apply for a variance from the Architectural & Environmental Compliance Committee.

Should your plans include a pond, you have the option to remove those trees within the designated area, providing the designated area for a pond does meet all other requirements.

Cumberland Lakes is a nationally recognized **FIRE WISE** community. This means the residents who live here among the forest fuels take the threat of wildfires **seriously**. **Everyone** is committed to the safe disposal of woody vegetation (live or dead trees, fallen limbs, leaves, pine needles, etc.) **to be removed prior to or after home construction**. Whether you are a contractor, a current resident, or future resident you are advised that **burning permits are required from October 15<sup>th</sup> through May 15<sup>th</sup> inclusive**, which is the wildfire season in Tennessee. Call 931-839-2328 or access web @ [burnsafetn.org](http://burnsafetn.org) for burn permits. **It is not permitted to have unattended fires.** (See page 8).

**ARCHITECTURAL & ENVIRONMENTAL COMPLIANCE COMMITTEE:**

The AECC is a Cumberland Lakes Property Owner's Association committee with the responsibility of monitoring and inspecting all building construction in Cumberland Lakes. The Uniform General Requirements of the Covenants and Restrictions as approved March 30, 2010 and AECC requirements and restrictions dated 02/16/2017 provides for the committee's authority.

**ARCHITECTURAL & ENVIRONMENTAL COMPLIANCE COMMITTEE:**

(cont.)

**Note!**

The AECC recommends that property owners familiarize themselves with the contents of this document, and Article 6, Article 9, and Article 10 of the Covenants & Restrictions. The Covenants & Restrictions establish the AECC committee's areas of responsibility, i.e. residential dwellings, garages, outbuildings, entrance columns, gates, ponds, pools, security lights, and modifications to exterior structures, etc.

The purpose of this document is to assist property owners to understand the intent of the articles above. The Association nor the AECC assumes or imply any responsibility for the quality of materials or the workmanship of your contractors; this remains the sole responsibility of each individual property owner. (Also, see construction practices on page 9.)

The drawings providing structure elevations etc. **must** include property owner's name, the total square footage of the living heated floor space, contractor's name, Block number and Lot number. The Covenants and Restrictions require that all new homes must have a minimum of 1200 sq. ft. of heated living floor space.

The Covenants and Restrictions **prohibit the erection of any permanent or temporary** structure upon your property closer than forty feet (40) to the edge of the county road and twenty-five (25) feet to the property line of the adjoining properties.

Upon receiving written approval from the AECC, the property owner has twelve (12) months to complete the exterior phase of construction. Upon request, the AECC may approve a six (6) month extension providing the work has been continuous and ongoing.

**REQUIRED DOCUMENTS FOR BUILDING APPROVAL PERMIT:**

**Construction or work cannot begin until the property owner receives written AECC approval, and the property owner posts a building approval sign on site.**

- (A) Property owners must adhere to all federal, state, and local laws and ordinances.
- (B) The AECC will not approve building submittals unless the property owner's **assessment fee is current.**
- (C) **Building submittals are reviewed only when all required documents are submitted as a complete package.**
- (D) A fully **completed** and **signed** Cumberland Lakes AECC Construction Approval Request Form is **required** along with **all the appropriate documents** pertaining to your particular project listed below:
  - (1) **A fully executed property deed. (Warranty Deed)**
  - (2) **A surveyor's certified property survey.**
  - (3) **A complete set of building plans with Block number, lot number, and your contractor's name on each page.**
  - (4) **A copy of your building permit from Cumberland County if required.**
  - (5) **A copy of your Tennessee Department of Environment & Conservation permits approving location of septic system.**
  - (6) **A copy of the conservation agent's inspection form for ponds (if needed).**
  - (7) **A complete plot plan indicating the mandatory setbacks for your residential dwelling, retaining walls or other structures from adjoining property lines and county roads. In addition, the plan must provide the location of driveways, proposed ponds, the septic system drain field, and the areas scheduled for tree removal for this and all other projects.**
  - (8) **In order to assure completion of your project to your satisfaction, and the POA's satisfaction, we may require evidence of financial resources. Refer to C&R Para 10.2.3 Page 19.**

**NOTE: MAXIMUM BUILDING HEIGHT SHALL NOT EXCEED TWO STORIES ABOVE FINISHED GRADE.**

**NOTE: IT IS IN YOUR BEST INTEREST TO CHOOSE LICENSED INSURED BUILDERS AND SUB-CONTRACTORS WHO ARE FULLY INSURED AND BONDED TO ASSURE COMPLETION OF YOUR PROJECT.**

**APPROVAL PERMIT SIGNS:**

Once you obtain your approval permit, and prior to commencing construction, the AECC will place the permit sign in a place that is visible from the road and within 10 ft. of the property owner's driveway. During new home construction the AECC recommends you provide a weather-proof board large enough to accommodate painting your home address on it and large enough to display additional permits.

**POLICIES AND REQUIREMENTS FOR NEW HOME CONSTRUCTION:**

**MOBILE / MODULAR HOME RESTRICTION POLICY:**

Cumberland Lakes, according to our Covenants and Restrictions and AECC Regulations, prohibits the placement of mobile homes in the community. This restriction is an effort to protect the property values of Cumberland Lakes Homeowners.

If you plan to place a pre-manufactured modular home on your property, you need to insure it does not have a steel frame undercarriage, or have a HUD approval insignia on the home. These indicators would be a clear violation of our mobile home restriction policy. Modular/pre-manufactured homes must meet all other Covenant and Restrictions and AECC rules.

**CULVERTS:**

The AECC requires a 12" to 15" diameter by 24 ft. in length culvert of corrugated steel, concrete or of another county approved material. However, the county may require a culvert of larger dimensions and, in some cases, no culvert at all. *In that case, the AECC requires written proof from the Road Commissioner of the county that in their opinion a culvert is not necessary.* If a property owner stakes out the entrance to their driveway in advance, then buys their culvert, they can arrange through their county Road Commissioner to have a road crew pick up the culvert and deliver it to your job site. The road crew will entrench the culvert and provide one truckload of crushed limestone to bury the culvert without charge. In some situations, additional culverts may be necessary to address other persistent drainage problems.

**DRIVEWAYS:**

No steel track heavy equipment may be loaded or unloaded on any of our county roads. During excavation, contractors should exercise additional care in keeping the ditch lines and shoulders free of debris. Any disturbance to pre-existing drainage that results in soil erosion becomes the property owner's responsibility to remedy the condition.

To prevent the depositing of mud from the work site on our roads, the property owner must place a substantial roadbed of limestone gravel or shale on the bare ground upon removal of the trees from the driveway. **It is the property owner's responsibility to insure that their contractor adheres to this policy.**

No concrete or asphalt is to be dumped (or truck washed out) into the properties drainage ditches. The property owner must store any excess concrete on their property.

The Tennessee Forestry Service recommends that entrance gates or columns be at least 15 ft. wide to facilitate unhindered access to your home site. They further recommend a driveway be a minimum of 12 ft. wide with 15 ft. vertical clearance. Area in front of residence should be wide enough for emergency vehicle turnaround.

Property owners cannot stack timber along country roads regardless of the future purpose of the salvaged timbers. The property owner submitting the AECC request for the driveway is responsible for removing felled trees resulting from (V.E.C) utility pole and electrical line installations. Any felled tree that lies adjacent to a county road is the property owner's responsibility to remove.

**CLEARING & BURNING:**

Wildfires are always a concern in Cumberland Lakes. Persons found guilty of causing a wildfire are subject to fines and/or criminal charges. Therefore, property owners must familiarize themselves with section 39-14-304 and section 39-14-305 of the Tennessee Wildfire Laws, which are included in your Firewise community package. Furthermore, if found guilty of being responsible for creating a wildfire, you may be held liable for the damage it causes to surrounding property. Therefore, it is extremely important for property owners, campers or contractors to obtain county approval before burning. Under no circumstances is it permissible to burn toxic waste, rubber, paint, asphalt shingles, and other objectionable material. There is to be no burning of any items on the easement/right of way.

For a burning permit in Cumberland County, call 931- 839-2328 or access website [www.burnsafetn.org](http://www.burnsafetn.org). Tennessee permits are required Oct.15 through May 15 inclusive. Burning without the required burning permit is punishable by law. **NO UNATTENDED BURNING IS PERMITTED.**

**CONSTRUCTION PRACTICES:**

The AECC recommends that property owners use licensed and adequately insured contractors. Licensed contractors in Tennessee have a dollar amount restriction placed on their license. Therefore, be sure your contractor has a state license issued with a dollar amount equivalent to the value of the home or structure you plan to build.

**When submitting building plans for new home construction, the contractor's name, your Unit, Block, and Lot must appear on the plans. It is the property owner's responsibility to insure that they or their contractor obtain all required permits.**

**Note!**

**Construction changes that no longer correspond to the original plans (to the EXTERIOR of your project) previously submitted to the AECC for approval MUST BE RESUBMITTED to the AECC prior to proceeding with those changes.**

**SILT FENCE REQUIREMENTS:**

In order to protect the various lakes, streams, and run-off areas located throughout the Cumberland Lakes community, all construction projects which may result in digging or grubbing require the installation of a silt fence prior to the start of all digging or construction. Silt fences will meet the requirements as out lined in the Tennessee Erosion Prevention and Sediment Control Handbook.

**BLASTING:**

The AECC has **no jurisdiction** pertaining to the possible use of **explosives during the building process** by property owners. Explosives are a federal and state controlled industry subject to all governmental rules, regulations and procedures.

In situations where the use of explosives is the only option to build, property owners must familiarize themselves with the hazards connected with explosives. For example, rock formations may be violently disrupted causing wells to collapse, damage to adjoining properties and in some cases causing ponds to drain dry. Consequently, as a courtesy to your neighbors, **the AECC requires** that you provide a 48 hours' notice **prior** to blasting.

**HOUSEKEEPING & TOILET FACILITES:**

The property owner is responsible for keeping the building site orderly. Building debris and food waste and containers **must** be deposited in a construction dumpster or trailer.

The AECC requires the **mandatory** use of temporary sanitary facilities (porta potties) at new home building sites **prior to beginning construction and until all phases of construction are completed. It is not permissible to place porta potties on the easements. Porta potties cannot be near the entrance to the property.**

**HOUSEKEEPING & TOILET FACILITIES CON'T:**

During construction, building materials must be stacked in an orderly fashion, preferably away from the building site entrance and not placed on the easements. Job site **security** for **building materials, tools or other equipment** is the **sole responsibility** of each individual **contractor**. The property owners must ensure removal of all toxic materials from the job site. Under **no** circumstances is it permissible to **bury toxic waste material, or any other waste building materials**. State law forbids the burning of toxic materials.

Respect for neighboring properties is essential at all times. The property owner may not deposit construction debris, woodland debris or any other offensive material on a neighbor's property. Violation of this provision is subject to fines.

**EXTERIOR TREATMENT OF FOUNDATION OR RETAINING WALL MASONRY BLOCKS:**

All non-decorative concrete masonry/cinder block foundations or retaining walls visible from the road or lakes must have a minimum of a stucco (or other) finish applied.

Normal (routine, painting, staining etc.) maintenance does not require AECC approval, only notification that you are performing such work. If during such maintenance you decide to change materials or the colors of any part of the exterior structure, you will require prior AECC approval.

**REQUIREMENTS FOR POND CONSTRUCTION:**

The **setback restrictions** used for permanent structures also **apply to ponds**. However, the 25 ft. setback in this case measures from the **base** of a pond's dam or the **edge** of the pond. The 40 ft. setback from a county road measures from the base of the dam or the edge of the pond.

Prior to constructing a pond, property owners must consult the U.S. Natural Resources Conservation Service field office. This office in your County can provide an experienced professional to assist you prior to the construction of your pond. However, the most important step in building a pond is selecting a highly recommended excavating contractor to perform the work. A dam may require a certificate by a licensed civil or hydraulic engineer.

**U.S. Natural Resources Conservation Service Field Offices:**

- **Cumberland County Office** is located at 314 Old Jamestown Road Hwy (next to the Crossville Post Office). The phone number is 931-484-5442 ext. 3.

The increased mosquito population has become a serious concern, especially now that there have been deaths reported in Tennessee from the West Nile Fever. Because of this problem and the knowledge that ponds require ongoing maintenance, the AECC will no longer approve the construction of a pond to part time residents. **Stocking of all ponds by AECC approval only.**

**REQUIREMENTS FOR POND CONSTRUCTION CON'T:**

Proper pond maintenance requires stocking of fish that feed on mosquito larvae, chemical treatment for insect control and an aeration system to control algae. If you have a pond, you are responsible for its upkeep and maintenance.

**Should a property owner fail to maintain their pond, it will be necessary for the Property Owner's Association to maintain the pond for THEM. The POA will take whatever action is appropriate to correct the problem and will do so at the PROPERTY Owner's EXPENSE.**

**FENCING RESTRICTIONS:**

The Board of Directors and the AECC have voted unanimously to **BAN the use of fencing materials used in Cumberland Lakes that could cause physical harm.** This restriction includes Barb Wire, Razor Wire or any other type of wire that may result in injury to humans or animals.

In addition, the Board of Directors and the AECC strongly discourage the fencing of entire properties. Property owners who require a fence erected within a **specific area** must provide a plot plan indicating the location of the area and the specific design.

**NON-DOMESTIC ANIMALS:**

**Horses may not be maintained or kept within the Cumberland Lakes community.**

The Association does not permit animals normally recognized and usually considered, as barnyard animals within the boundaries of Cumberland Lakes. This rule applies to domesticated farm animals or other exotic animals normally not recognized as household pets.

**PET NUISANCE COMPLAINTS:**

Pets should not become a nuisance to your neighbors or the community. Domestic pets are subject to community standards regarding **sight, sound and smell.** Although we live in an isolated community, the Association follows all state leash laws. Discuss all complaints directly with the homeowner before getting the County involved.

The Cumberland Lakes community believes in respect for animals and to that notion:

- a. The Association prohibits the tethering, fastening, chaining, tying, or restraining any pet outside to any doghouse, tree, fence, outbuilding, or other stationary object with the exception that a person may temporarily tether a pet “no longer than it is necessary for the person to complete a temporary task.”
- b. The Association prohibits the keeping of any animal on any **unoccupied** property whether caged or tethered.

## **GENERAL RESTRICTIONS:**

### **DIRECTIONAL REAL ESTATE SIGNAGE:**

The Association **prohibits** directional real estate signs located on roadways within the boundaries of Cumberland Lakes. Upon AECC approval, the associations allows temporary signage announcing open houses, yard sales, etc., on the roadways. The AECC can grant temporary approval of such signs for a period not to exceed two (2) weeks. After two (2) weeks the property owners removes all the signage.

The placement of real estate signs on specific properties shall not exceed the maximum size of 24” X 36”. Place the signs **at the tree line**. Realtors are restricted to one sign per property. Realtor signs must be removed within (30) days following the sale or (30) days from the expiration date of the listing’s contract.

**Contractors may place one general contractor builder’s signs per job site. Once the job is complete, the contactor removes the sign.** The sign cannot remain as an advertisement for an extended period.

### **RECREATIONAL VEHICLES:**

A property owner may use a Recreation Vehicles as a temporary residence during construction. However, prior to construction you must obtain written permission from the AECC before doing so. The Association prohibits the use of Recreational Vehicles as a residence once home construction is completed. The phrase “recreational vehicle” shall mean every licensed vehicle and conveyance designed, used or maintained primarily as a travel trailer, motor home, camper, boat and boat trailer or other similar use.

### **PARKING: RECERATIONAL VEHICLES:**

When parking Recreational Vehicles (motor homes, camper trailers, personal-watercraft, boats, etc.) on their property, the property owner must ensure they park the RV’s in an orderly and neat fashion with reduced visibility from the general roadways if possible. The Association requires that property owners obtain permission from the AECC to park or stored overnight on any lot, public right-of-way (easement) road or other parcel more than three (3) vehicles of any kind, that are visible to the public roadway.

**CAMPING:**

In the interest of safety, campers should notify the AECC in advance of your stay. The duration of camping stays in Cumberland Lakes is restricted to Property Owners and not permitted to extend beyond a (30) consecutive day period. Campers are required to remove trash and provide suitable means for disposing of sanitary waste. **Do Not Leave Open Camp Fires Unattended.**

**BOATING:**

It is not permissible to operate Boats or other recreation vehicles with gasoline engines on the Lakes. Boats having a gasoline motor must cover the lower unit with a plastic bag to prevent oil and gas from draining into the lakes. Please follow the Fishing Regulations posted at each boat ramp.

**SECURITY LIGHTING:**

The Association allows the use of external security lighting. It is required that you mount the lighting in a manner that is not offensive to your neighbors. Optionally, the AECC recommends and encourages the use of motion sensor controls. Placement for the security lighting is on the home, garage, other outbuilding or a pole. A pole is a device that is a vertical, usually cylindrical shaped, freestanding, self-supporting unit that may have a suitable portion buried in the ground.

Lighting installed by VEC:

- a. There shall not be any lighting fixtures attached to the pole(s) that are in the easements.
- b. Power to the pole must be underground. (At owner's expense)
- c. The wattage for the light cannot exceed 175 watts. (This will provide security but not excessive brightness to disturb neighbors also it allows a choice of types of light bulbs and brightness.) If necessary, the AECC can require the use of a directionally shielded light to prevent brightness to the property owners' neighbors. The AECC handles all complains or disputes related to exterior lighting.

The following requirements are necessary when installing lighting on a pole by homeowner or by a contractor.

- a. Utility poles in the easements cannot contain security lights.
- b. Light height must be 14 feet to 22 feet above ground.
- c. When a Security light is to be installed, it is REQUIRED that the power lines be placed underground. (At home/property owner's expense).
- d. The light is limited to 175 watts.
- e. Trees or other foliage cannot be used to mount lights either ON/IN the trees or other foliage in of itself
- f. All expenses incurred in the installation of a security light (power lines, fixture, pole, etc.) are the responsibility of the home/property owner.

The AECC makes the determination about complaints related to the light brightness. Upheld complains require that lights be shielded (for directionality) or removed at the home/property owner's expense.

### **HOUSE ADDRESS NUMBERS:**

The AECC recommends that you obtain your house number from the county's (911) office as soon as possible. **The AECC application form requires your street address.** Having the number located at the entrance to your driveway will facilitate finding your property during construction of your home and aid emergency vehicles responding to a 911 call regardless of the cause.

### **AECC APPEAL PROCESS:**

The AECC endeavors to formulate their decisions based on the initial documents the property owner submits for approval and the impact the request will have on the community. From time to time, the AECC decision or interpretation of the Covenants & Restrictions disagrees with those of the property owner. Therefore, whenever AECC **denies** an approval the property owner is **entitled to appeal** that decision.

To begin the appeal process, submit your written appeal to the AECC and explain the reasons you disagree with the decision. The AECC places your appeal on the agenda of the **next scheduled** AECC meeting for further discussion, which you are welcome to attend.

In the event the AECC again denies your appeal, you then have the option to appeal, in writing, to the Property Owner's Association Board of Directors. **Should the Board support the decision to deny your request the outcome of that hearing is final.**

### **CONJOINING PROPERTIES:**

- a. Property owner(s) must notify the AECC in writing of the intention of conjoining lots to gain approval prior to initiating such action with the county.
- b. Properties must be adjoining (touching each other).
- c. Properties must have same exact owner as appears on deed.
- d. Property dues (maintenance fees) must be current (paid in full) for the current and previous years.
- e. Property owners remain liable to pay dues (maintenance fees) on each lot conjoined regardless of number of lots conjoined, i.e. 2 lots – 2 dues, 5 lots – 5 dues. Group lot rules still apply.
- f. No re-subdivision Refer to C&R para.9.2 page 15. The AECC will only consider re-subdivision to settle property line disputes.

### **GENERAL FINE STRUCTURE:**

The AECC may recommend a financial penalty to the Board for Covenants & Restrictions or

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AECC Rules and Regulations violations when the property owner, once notified by AECC of the violation, does not take the appropriate action to remedy the violation.

Within the first 30 days, the Association will assess a fine of **\$250.00** per violation. Within the second 30 days, the Association will fine of **\$500.00** per violation. For the third and final 30 days, the Association will access a fine of **\$750.00** per violation. If the violation has not been corrected and the total fine of **\$1500.00** not paid, the Board will file a lien on the property and impose a **10%** monthly interest penalty until the lien is satisfied or take such remedial action as may be necessary, including Attorney's fees. Ref C&R Para 7.1.2 page 13.

**GENERAL FINE SCHEDULE:**

AECC initial notice of violation. After 30 days, BOD first letter stating violation and possible fines. After 30 additional days, BOD second letter stating Fine #1. After 30 additional days, BOD third letter stating Fine #2. After 30 additional days, BOD fourth letter stating Fine #3. After 30 additional days, BOD fifth letter stating placement of lien. Total of 150 days to fix violation and pay fines prior to lien.

**SPECIFIC CLEAR CUTTING FINE:**

The Association prohibits the clear cutting or the indiscriminate removal of trees. Violators are subject to a fine of **\$10,000.00** per lot.

The Association prohibits the clear cutting any lot without the expressed written consent of the AECC.

Refer to Covenant & Restrictions, Section 9.14 -Tree Preservation, page 17, and AECC Requirements & Restrictions, page 4.

# SIGNATURE APPROVAL PAGE

Reviewed and approved as of April 2, 2019.

Cumberland Lakes Board of Directors:

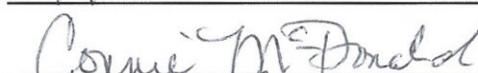
Derek Savino - President



Karen Dunn - Vice President



Connie McDonald - Member



Jim Lanigan - Member

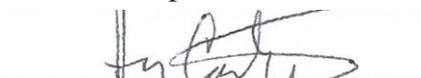


Jerry Carty - Member



Cumberland Lakes Architectural & Environment I Compliance Committee:

Jerry Carty -Chairperson



Tom Torbleau -Member



Mark McDonald -Member



Joe Krupski -Member



Phillip Choate -Member

