NEW CONSTRUCTION RESTRICTIONS AND BOARD APPROVED POLICIES

1. PURPOSE. To provide Mountain Meadows (MM) property owners information regarding the current restrictions and policies that apply to new construction. The policies are approved by the Board of Directors to either clarify existing restrictions or establish new construction requirements within the authority of the Board.
2. BACKGROUND.
3. On October 21, 2022, the Board of Directors reviewed previous Board policies for new construction and approved continuation of some of those policies. The current MM By Laws and Restrictions and The North Carolina Planned Community Act documents empower the Board of Directors to institute policies that enforce and clarify the rules/restrictions in the referenced documents.
4. North Carolina Planned Community Act Paragraph 47F-3-102. Powers of owners' association states: “unless the articles of incorporation or the declaration expressly provides to the contrary, the association may do all of the following: (6) Regulate the use, maintenance, repair, replacement, and modification of common elements. (10) Impose and receive any payments, fees, or charges for the use, rental, or operation of the common elements other than the limited common elements and for services provided to lot owners.”
5. For new construction, the Board approved the continuation a $500 non refundable impact fee. The amount of the fee will be reviewed annually by the Board. New construction requires the use of heavy equipment and large trucks that impact our private roads more than normal vehicular traffic and contribute more to the “wear and tear” on our roads. New construction also increases the amount of traffic on our roads.

3. CURRENT MOUNTAIN MEADOWS RESTRICTIONS RELEVANT TO NEW CONSTRUCTION.

1. Paragraph 3 BUILDING REQUIREMENTS. No lot or parcel within this subdivision shall be used except solely and exclusively for single-family residential purposes. (Board interpretation: Inherent in this restriction is the

expectation that no dwelling shall have an apartment within for rent or sale and no dwelling shall be partitioned in such a way as to allow portions to be rented or sold). No dwelling shall be moved or transferred from any location to any lot or parcel within this subdivision, and no dwelling shall be erected, altered, placed or permitted to remain on any lot or parcel other than a single-family dwelling not to exceed three stories in height. The dwelling to be erected shall be constructed of new and durable materials. No mobile, modular or prefabricated homes are permitted. **Each dwelling shall have a minimum of 1200 square feet of heated living area on at least one floor, exclusive of garages and porches (the 1200 square feet must be measured as inside dimensions not as exterior walls). In the event of a split-level, the summation of square footage of the center level floor and the upper level floor must be at least 1200 square feet.**

1. Paragraph 4. SET-BACK LINES. No building or structure shall be constructed closer than 50 feet of the back property lines and not closer than 20 feet from the side boundaries of the lot.
2. Paragraph 6. BUILDING PLANS - APPROVAL.    No building shall be erected or altered upon any lot until the construction plans, specifications, elevations, driveway construction plan, and plot plans therefore shall have been approved in writing by Mountain Meadows Property Association’s Building Plans Committee, such approval to be submitted to the Board of Directors. Upon approval of such plans, specifications and plot plans, the builder may secure a building permit from the appropriate governmental departments and the same shall be posted in a conspicuous manner on the property. Mountain Meadows Property Owners Association shall not be liable in damages to anyone submitting plans for approval or to any owner of land covered by this instrument by reason of mistake in judgment, negligence or nonfeasance of Mountain Meadows Property Owners Association, its agents or employees, arising out of or in connection with the approval or disapproval or failure to approve such plans. In the event Mountain Meadows Property Owners Association, or its agents, fails to approve or disapprove design or location of buildings within twenty (20) days after complete plans, specifications and elevations have been submitted in its office, this covenant will be deemed to have been complied with; however, in no way shall there be a violation by builder of the zoning of said plat.
3. Paragraph 7. NUISANCES.b) No hunting or shooting of any kind is permitted on any property in Mountain Meadows.  g) There shall be no burning of trash, debris or any other substance without a valid permit from Avery County, and not without providing to the Board of Directors a minimum of 48 hours’ notice prior to the burning.  This provision does not prohibit the use of a constructed, secured and attended fire pit.
4. Paragraph 8. SIGNS. No sign of any kind shall be placed or allowed to remain on any vacant lot without the written consent of the Board of Directors. No sign of any kind shall be displayed to the public on any improved lot in the subdivision with the exception that one sign, of not more than four square feet, advertising the property for sale or one sign used by the builder or architect to advertise the property during construction and sale period thereafter for a reasonable time, which shall be determined by the Board of Directors.
5. Paragraph 10. OTHER STRUCTURES. No structure of a temporary character, trailer, house trailer or tent, shack, barrack type structure or other building shall be erected, maintained or used on any lot at any time, either temporarily or permanently, except that necessary construction sheds may be maintained temporarily during construction of the dwelling, but shall be promptly removed upon completion of a dwelling not later than three (3) months after original commencement of the construction of such dwelling. Provided, however, two separate utility buildings may be constructed on each lot (i.e., for storage, a garage, or housing an approved animal or animals). One shall not exceed 1000 square feet and the other shall not exceed 180 square feet. Any such structures must be finished in such a way that is consistent and complementary with the home on the property, and each must be approved (by the Board of Directors).

4. BOARD APPROVED POLICIES.

1. A non refundable impact fee, reviewed annually by the Board of Directors, shall be charged to a property owner as plans for new home construction are approved.The impact fee offsets the increased use of our private roads by heavy construction.
2. Before construction begins, the owner is required to place clear markings or stakes to identify all boundary lines of the property. (This requirement insures that contractors do not enter another homeowner’s property, place equipment on another owner’s property, or leave trash on another owner’s property.)
3. “Open” burning of trees and brush during site cleaning is strictly prohibited. A NC State burn permit (see the link, https://www.ncforestservice.gov/burn\_permits/burn\_permits\_main.htm) must be obtained before burning wood debris or brush in a controlled area. OSB and Plywood cannot be burned. A 55 gallon drum or a constructed fire pit may be used without a permit or notification (no burning in dumpsters). But, the fire must be extinguished before nightfall the day the fire is begun and never left unattended. (This requirement reduces the potential for a fire to spread uncontrolled and endangering other owners properties.)
4. All six wheel, and larger, truck traffic traveling to and from the construction site will utilize the Newland Entrance to Meadow Ave. It is approximately one mile south of the Mountain Meadows main entrance on Hickory Nut Gap Road. (This requirement reduces the potential for road damage and accidents because the Newland Entrance has fewer sharp curves/switchbacks and is not as steep.)

The President of the MMPOA, Chairman of the Building Plans Committee, will notify the owner by email message, and follow up first class letter, when plans are approved outlining the owner’s responsibilities as stated above.

Two enclosures:

Enclosure 1: Sample Letter to the Property Owner

Enclosure 2: Sample Memorandum to the Builder

PREPARED BY: Wayne M Barth

DATE OF BOARD APPROVAL: November 16, 2022

**Enclosure 1: Sample Letter to the Property Owner**

MOUNTAIN MEADOWS PROPERTY OWNERS ASSOCIATION, INC (MMPOA)

P.O. BOX 16575

BANNER ELK, NORTH CAROLINA 28604

Date

Property Owner’s Name and Address

The plans and specifications for your proposed home, to be constructed on Lot - - - - -,

have been reviewed and appear to be in accord with the restrictions set by the MMPOA. In addition, the driveway will constitute no special problems as it will be level with, or below the grade, of the access street. We are pleased to give approval of your plans.

This letter authorizes you to begin construction of the dwelling prescribed in the approved plans provided by (insert the name of the builder that provided the plans). Should there be any significant alterations in your plans during construction, please notify us of these changes. Please mail a check, payable to the MMPOA, for $500.00 to satisfy the non-refundable road impact fee approved by our Board of Directors. Mail the check to the Treasurer, MMPOA at the above address. Prior to beginning construction, please place stakes, or other clear markings, along the boundaries of your lot.

The Board of Directors requires you to secure a written commitment from your builder to the following pre-construction requirements:

- Commitment to clean the construction site regularly during construction and remove all trash from the site at the conclusion of construction.

- Commitment to clean up trash that may blow off the site.

The Board’s policy is to hold property owners responsible for the cleanup and for any costs incurred by the Board for the removal of trash neglected by the builder or owner.

- Documentation from your builder that they carry liability insurance and workman’s compensation for their employees.

Please provide us a copy of these pre-build commitments by paper or electronic copy.

Please examine the enclosed copy of a memorandum addressed to your builder. We ask that you urge your builder to observe the MMPOA Rules and Regulations as stated in the memorandum.

Please endorse this letter and return to me at the above address or electronically to waynebarth@suddenlink.net.

Welcome to Mountain Meadows, it is a great community!

Sincerely,

Wayne M. Barth

President, MMPOA

I acknowledge receipt of the approved plans for the dwelling I/we intend to build on Lot - - - - and agree to provide written document pre-build that my/our builder has committed to the requirements listed above.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Date\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Property Owner(s) Signature

**Enclosure 2: Sample Memorandum to the Builder**

MEMORANDUM

DATE:

TO: ADD BUILDER’S NAME

SUBJECT: Recommendations for Builders and Contractors Working in Mountain Meadows

As you begin construction of the dwelling on Lot - - - - - please be aware of the following regulations authorized by the Mountain Meadows Property Association Board of Directors.

1. Mountain Meadows is a private, residential community that enforces certain building restrictions and maintains its’ own roads including the speed limits. Please advise your workers and sub contractors to observe our speed limit of 20 MPH. We frequently have residents, children, and pets walking along the road.

2. Before approved construction can begin, the owner must place clear markings, or stakes, to mark all boundary lines of the property. Ensure your workers and subcontractors do not access the construction site from another owner’s property, or station equipment on another owner’s property.

3.No building or structure shall be constructed closer than 50 feet to the back property line and not closer than 20 feet from the side boundaries of the lot.

4. Winds in Mountain Meadows can be extremely high, especially on the open meadows and north facing slopes. Please do not allow trash (paper, packing materials, cement bags, lunch bags/wrappers, any lightweight material) to be left in the open. It will blow away onto other owner’s properties and you will have to clean it up.

5. Open burning of brush and trees during site cleaning is strictly forbidden unless you have a NC State burn permit (see the link, <https://www.ncforestservice.gov/burn_permits/burn_permits_main.htm>) and the Board of Directors approves your request. Controlled burning of wood scraps (not

Plywood or OSB) may be done in 55 gallon drums or a constructed fire pit, no burning in dumpsters. Controlled burning must be extinguished before nightfall of the day burning is begun. Controlled fires cannot be left unattended.

6. All six-wheel traffic must utilize the “Newland” entrance on Hickory Nut Gap Road to Meadow Avenue (this entrance is approximately one mile south of our main entrance off Hickory Nut Gap Road).

7. No hunting of any kind is allowed in Mountain Meadows.

Your careful attention to these matters will be greatly appreciated. Please provide copies of this memorandum to your sub contractors and post a copy near the Building Permit. If you have any questions or need a contact call any MountainMeadows Building Plans Committee Member: Wayne Barth (210-392-8335), Keith Hoilman (828-260-3244), Jim Taylor ( 828-963-0349).

Wayne M. Barth

President, MMPOA