

Architectural Control Committee (ACC) Guidelines

These guidelines have been created to provide a convenient “go-to” resource for selected issues of recurring interest to home owners, and guidance on common approval topics. For additional details and requirements, please refer to the Berry Hill Estates Covenants document, found on the www.berryhillestateshoa.org website. The guidelines may be updated from time to time, so please check for the most recent version on the website. Questions can be addressed to the ACC email address: “ACC@berryhillestateshoa.org”

Table of contents:

- 1.0 Applications to the ACC
- 2.0 Volunteering for the ACC
- 3.0 Fences and Easements
- 4.0 Mailboxes
- 5.0 Regular Landscape Maintenance
- 6.0 Landscape Installation or Modification
- 7.0 New Construction
- 8.0 Septic Systems and Drainage

1.0 Applications to the ACC

Generally, the ACC is required to approve all construction or modifications made on property located within the neighborhood. The review process requires dimensioned plans to be submitted showing locations of the work on the lot along with a listing of materials and colors. Additional information may be necessary based on the nature of the job. There is an automated application form located on the www.berryhillestateshoa.org website for your ease of use. Once all required information has been received, including any requested supplemental information, the approval process may take up to 30 days. During early planning of a project, owners are encouraged to contact the ACC for helpful tips on approvals and other construction aspects that neighbors have encountered over the years. The ACC goal is to help your project become as successful and beautiful as you envision!

2.0 Volunteering for The ACC

Like the Board of Directors and other association positions in our community, the ACC is made up of neighbors who volunteer their time to help make Berry Hill Estates a great place to live and own a home. All owners are encouraged to donate a little of their time for betterment of the community. Please email the ACC if you have an interest to serve and an appreciation for construction or landscaping projects.

3.0 Fences and Easements

Fence installation or replacement is a common event in the neighborhood, and choosing the location on your lot with respect to easements is an important consideration.

Generally, choose materials and colors to best ensure long life and good aesthetics. If you drive around Berry Hill and look at existing fences, you will get a good idea of what has been approved in the past. Commonly approved materials are Cedar, Aluminum, Iron, and Vinyl treated for UV resistance. Chain link fences are not permitted. The support posts for your fence must be installed on the inside face (toward your lot/house). Commonly approved color examples are earth tones, rust reds, browns, natural wood shades, blacks and grays. Loud, vibrant or striking primary colors would likely not be approved. Fences must also not impede surface water runoff, or block street sightlines.

There are easements located on all lots, indicated on your property plat and in some cases also described in the covenants. Easements typically allow access for Madison County utilities or surface water drainage. Although easements allow access, the land within the easement remains your property and must be maintained along with the rest of your lot. If you choose to install a fence near the easement line rather than near the property line, your property outside the fence will still need to be maintained, mowed, and weeded. If you choose to install a fence near the property line, you are assuming a future risk (perhaps a very small risk nonetheless) that the easement will need to be

accessed from some point along your fence. The addition of gates for accessibility to the easements (either from outside or inside) is a good idea.

4.0 Mailboxes

Mailboxes must be finished in a black color and must be constructed of cast metal. Cast aluminum will typically have less corrosion issues than cast iron, but any cast metal is allowed. Black powder coated or anodized finishes are generally more durable than paint.

The original (circa 1997) supplier of mailboxes to the neighborhood is no longer available for repair parts or replacements. However, cast metal mailboxes can be purchased online, and locally from retail stores such as In-Line Lighting and Richard's lighting often via a special order. Special orders can also be made from common "big box" home improvement stores. As of this writing, none of the local retailers were carrying cast metal mailboxes in stock.

There are three styles of mailboxes currently in Berry Hill, however, the style does not need to be an exact match. Please apply to the ACC if there is a different style you prefer.

a) The original Pony Express motif and a simplified version without the pony motif. Some lighting stores carry similar styles. At the time of this writing, an example can be seen at the following website:

<https://www.specialliteproducts.com/mailboxes/curbside-mailboxes/kingston/>

b) The style at the clubhouse. At the time of this writing, this style could be ordered through this website: <https://www.betterboxmailboxes.com/mailbox/contemporary-style-better-box-mailbox-black-modern-decorative-cast-aluminum-residential-curbside-high-quality-upscale-mailboxes/>

c) Another style example with a floral motif. At the time of this writing, an example can be seen at the following website: <https://www.specialliteproducts.com/mailboxes/curbside-mailboxes/floral/>

This is an example of what would not be approved because it is constructed from sheet metal, so it does not meet the neighborhood requirement:

<https://www.specialliteproducts.com/mailboxes/curbside-mailboxes/titan/>

5.0 Regular Landscape Maintenance

The HOA board must often follow-up with home owners about landscaping maintenance.

Lack of regular landscaping maintenance negatively impacts curb appeal and can reduce home sales in the neighborhood, depressing prices. Conversely, excellent landscape maintenance contributes to pride in the neighborhood and improving home prices. Your property covenants require that all aspects of your property, including structures and landscaping, be maintained in a good appealing condition. The following list shows common things to keep an eye on, particularly during the growing season:

- *Grass should be mowed and edged, typically weekly during the growing season.
- *Landscape beds should be free of weeds visible from the street.
- *Property areas (such as easements) outside of fences on your lot should be maintained.
- *Shrubs need to be pruned to either a formal or “natural” style.
- *Dead plant materials should be removed and replaced.
- *Edging and borders should be kept maintained and repaired or replaced when damaged.
- *Painting/staining on landscape features and fences should be refreshed from weather fading.
- *Mold and mildew stains on landscape features, roofs and fences should be removed.
- *Trees and shrubs should be replaced when damaged or diseased.
- *Trash and discarded items should not accumulate in visible areas on your property.
- *Discarded items should be put out at the curb only during the week of Madison County large item pickup day. (The 2nd full week of each month)

6.0 Landscape installation or Modification

The ACC is required to approve all landscaping installations or modifications made on property located within the neighborhood. The review process requires dimensioned plans to be submitted showing locations of the work on the lot, existing structures, and a listing of materials, colors, plant quantities, sizes (caliper) and species to be installed. Additional information may be necessary based on the nature of the job. Landscaping approvals also review any grading or excavation work to be done. Variances to accommodate unique situations on lots can be approved on a case-by-case basis.

Guidelines for Landscape Planning:

- a) Existing vegetation and trees should be preserved whenever possible to provide screening and lend an established feeling to the Community.
- b) Shrubs should be well distributed, but not necessarily evenly spaced. Shrubs may be used for screening and to minimize the visual impact of driveways and parking areas.
- c) Earth berms may be used to create a sense of enclosure and to screen driveways, especially planted with shrubbery.
- d) Unified mulched planting beds edged in materials such as brick, steel, masonry, composite or treated wood look neat longer and their shape is preserved.

e) Exterior building material colors should be considered when selecting flowering trees and shrubs so that colors will not compete with or negate each other.

Tree/Shrub Recommendations:

a) The front yard of each lot should be planted with three (3) large trees and three (3) small trees. Shrubbery required in the front yard should be a minimum of eight (8) shrubs, at least half of which should be species evergreen in this climate. Shrubs should be planted in a bed of mulch or ground cover other than turf grass.

b) The rear yard should be planted with two large trees and two small trees.

c) Proposed trees should conform to be the minimum size standard listed below. Suggested species are provided based on horticultural guidance for our geographical area:

Suggested Large Trees:

Type 1, Shade trees, 2.5" caliper, 12' height range-Sugar Maple, Red Maple, Tulip Poplar, Sycamore, Red Oak, White Oak and Willow Oak.

Type 2, Shade trees, 1.5" caliper, 6' to 8' height range- Weeping Willow, Bradford Pear, Golden Rain Tree, Southern Magnolia, Zelkova, River Birch and European Birch.

Type 5, Coniferous Evergreens, 5' to 6' height range-Pine species, Hemlock and Spruce.

Suggested Smaller Trees:

Type 3, Small upright trees, 1" caliper, 6' to 7' height range-Redbud, Crabapple, Crepe Myrtle, Cherry Laurel, and Flowering Plum.

Type 4, Small spreading trees, 5' to 6' height range-Flowering Dogwood, Star Magnolia, flowering Cherry and Japanese Maple.

Existing trees:

If existing trees meet requirements they may be proposed in the appropriate quantity as approved by the ACC, provided each tree to be retained:

(i) Is not one of the following species: Boxelder, silver maple, catalpa, cottonwood, camphor, mimosa, chinaberry, princess tree, or Siberian elm.

(ii) Has a live crown and is free from serious root, trunk, and crown injury.

(iii) Is indicated on the landscaping plan as a tree "to be saved".

(iv) Is situated so that it can be incorporated into the landscape with minimal grade, cut, or fill under the drip line of the tree.

(v) All trees greater than six inches in diameter at breast heights should be preserved, unless removal of them is part of an approved plan. Trees that are diseased or dead, less than six inches in diameter, presenting a safety hazard or in the immediate location of building approved by the ACC, may be removed.

Other Landscape Guidelines:

(a) All front and side yards of each Lot should, unless approved by the ACC as a natural area or unless the same is landscaped with shrubbery and other approved plant life, be sodded with grass. Ground cover may include shrubs and low-growing plants such as Liriope, English ivy, Periwinkle, and similar material. Ground cover may also include non-living organic material such as bark and pinestraw.

(b) Planned natural areas will be allowed, most specifically on the river and creekside lots, however the lawn and the natural areas must form a cohesive whole.

(c) Driveways should coordinate with topography and existing vegetation to preserve all trees greater than six inches in diameter at breast height.

(d) No hedge or shrubbery planting which obstructs sight-lines of streets and roadways should be permitted to remain on any Lot or Dwelling where such hedge or shrubbery interferes with sight-lines for roadways within the Development.

(e) No rock walls or other fence substitutes should be placed on any Lot or Dwelling as a front or side yard border to prevent or limit access to same. The ACC must approve all bird baths, fountains, reflectors, flag poles, statues, lawn sculptures, lawn furniture, artificial plants, rock gardens, rock walls, bird houses or other fixtures and accessories.

(f) No vegetable, herb or similar gardens or plants should be planted or maintained in the front or side yards of any Lot or Dwelling.

(g) No Owner should allow the grass on his Lot or Dwelling to grow to a height in excess of six (6) inches, measured from the surface of the ground. Additionally, each lot owner must maintain his lawn in as good or better condition than his original landscaping plan. It is not the intention of the ACC to monitor every landscape in Berry Hill Estates, however, an owner will be required to bring his/her lot into compliance with the guidelines where landscaping has deteriorated beyond a reasonable level.

7.0 New Construction

The ACC is required to approve all new construction made on property located within the neighborhood. This includes all permanent structures such as detached garages, gazebos, porches, decks, pools, spas, fences, concrete slabs, driveways, and other types of constructions. The review process requires dimensioned plans to be submitted showing locations of the work on the lot plat along with a listing of exterior materials, colors, landscape and lighting features. A copy of the construction plans your general contractor will use to build your structure is a good example of the

information required, although interior design features that are not visible from the outside of your structure are generally not reviewed. Information on septic system and drain field installation is also required. Additional information may be necessary based on the nature of the job. Some commonly asked topics are listed below, however, the complete Berry Hill Covenants (Articles VI, VII and VIII in particular) should be consulted for all requirements when a new construction project is planned.

- a) Roofing shingles must be long life architectural grade and fit within the color families present in the neighborhood. No vents, chimneys, solar panels or energy collection equipment is permitted on the front-facing roof.
- b) Primary garages integral to the main dwelling must be side-facing or rear-facing. Secondary additional garages may be approved on a case-by-case basis by the ACC, and must aesthetically match the construction of the primary dwelling.
- c) Reflective glass, mirrors, and reflective foil are not permitted on windows. Appropriate window treatments must be used where window coverings are installed. Bed linens, blankets, paper and plastic bags/sheeting are examples of inappropriate materials for window coverings.
- d) Driveways must be constructed of concrete unless an alternative is approved by the ACC.
- e) Each owner is responsible for rubbish, trash and general cleanliness of the lot area during construction. Contractors performing work in the neighborhood often require regular reminders from owners to ensure trash and construction debris does not accumulate in roads, on the property or on adjacent lots. Discarded nails and sharp objects often leave neighbor tires flat, and are a safety risk to children. Contractor vehicles parked in a hap-hazard manner can cause safety hazards to other vehicles and children playing. See Article VII, section 17 and section 21 of the Covenants for complete requirements for area maintenance during construction.
- f) Recreational structures such as swimming pools, tennis courts, saunas, and spas must be approved by the ACC. Generally, above-ground swimming pools are not permitted.
- g) Construction plans must include surface water drainage features. After construction, the flow of surface water drainage must not be blocked or significantly redirected. Surface water drainage on your lot should be approved by the Madison County building department when your plans are approved by the county and inspected by county building inspectors.
- h) Construction of permanent buildings within the easements identified on your lot plat is not permitted. This includes the roof overhangs, soffits and foundations. The Subdivisions Office of the Madison County Building Department has primary jurisdiction on this matter, and should be consulted for additional details if necessary.
- i) Generally, all large structures such as sheds and storage buildings are considered permanent structures and must adhere to all new construction requirements, including being set on level structural foundations.
- j) Variances to the covenants and/or these guidelines may be requested by an owner due to unusual circumstances. The ACC will consult with the HOA Board on all variance requests.

8.0 Septic Systems and Drainage

Proper functioning of your septic system and correct surface water drainage on your property are critical to maintaining the value of your home. Septic and drainage problems can become exceptionally expensive to correct, and can cause both exterior and interior damage. Septic problems can also become an eyesore to neighbors, a source of noxious odors and health concerns. Some residents have had septic system problems in the past, causing expensive repairs later.

Although septic systems are approved by the Madison County Health Department as part of your county construction permitting approvals, the ACC will ask about your septic and drain field plans to help ensure your project proceeds as smoothly as possible.

Changing the grade, soil, landscaping or surface water drainage in the yard above your septic drain field can adversely affect your septic system. Covering any part of your septic drain field with a concrete slab, pavers, decking, landscape fabrics or other water vapor blocking materials will negatively affect your septic system. Heavy vehicles or trucks driving over your drain field during a construction or landscaping project can also permanently degrade your septic system.

Owners are encouraged to contact the Madison County Health Department to discuss any questions or concerns you may have about your septic system, and how your construction or landscaping plans can maintain the proper functioning of your drain field.