

**Pine Bay Homeowners Association**  
**Builder/Contractor Requirements with Acknowledgement**

Each builder or contractor doing construction work in Pine Bay (the “builder/contractor”) shall comply with, and each builder/contractor shall transmit to and shall be responsible for its subcontractors’ compliance the following Pine Bay Homeowners Association requirements as applicable below:

**I. APPLICABLE TO ALL BUILDERS/CONTRACTORS DOING CONSTRUCTION WORK IN PINE BAY**

- A. ROADWAYS, COMMON AREAS, AND ADJACENT PRIVATE PROPERTY:** Precautions are to be taken during construction and the moving of equipment to avoid damage to Pine Bay’s roadways, utilities, Common Areas, and adjoining private property. Responsible parties and Owners are liable for all such damage. All speed limits and vehicular laws of Pine Bay are to be strictly observed. Each builder/contractor is responsible for repairing all swale damage to the Lot, adjacent Lots, and Common Areas caused by worker vehicles and construction equipment.

**B. HOURS OF OPERATION:**

**Monday Thru Friday: 7:00 AM to 7:00 PM**

**Saturday: 9:00 AM to 5:00 PM**

**Sunday and All Federal Holidays: NO CONSTRUCTION PERMITTED**

- C. TRASH RECEPTACLES:** Dumpsters or other suitable trash receptacles are to be placed on the Lot prior to the start of construction. Dumpsters or other trash receptacles may not be placed on the Common Areas, including swales adjacent to the Lot. Each builder/contractor is responsible for cleaning up any mud, trash or other debris deposited on the Common Areas, including swales and roadways, emanating from a Lot.
- D. SANITARY FACILITIES:** A Porta-John may be placed on a Lot prior to the start of construction on a Lot. A Porta-John may not be placed in Common Areas, including in swales and roadways of Pine Bay.

- E. **SWALES:** As noted above, swales along the roadways in Pine Bay have been designed to drain the community along natural fall lines to the bay and wetlands. Builders/contractors should use best efforts to limit parking of vehicles or placing of materials in the swales along the roadways fronting on Lots in Pine Bay. A builder/contractor is responsible for damage done to the swales and responsible to repair any damage that occurs during the builder or contractor doing work on a Lot.

## II. **APPLICABLE TO BUILDERS/CONTRACTORS OF A NEW DWELLING OR UNDERTAKING MAJOR RENOVATION OF AN EXISTING DWELLING**

- A. **TREES:** The Pine Bay Community places maximum importance on preservation of its mature trees. No tree removal may begin until the following conditions are met:

1. Pine Bay's Architectural Review Committee ("ARC") has given ARC Approval of the proposed new Dwelling or Major Renovation of an existing Dwelling; and
2. ARC must have approved a Tree Protection Plan and a Tree Removal Request Application for the Lot, provided that if change is proposed to ARC previously approved plans for tree protection or tree removal, then any proposed change must be submitted to ARC for review and approval before being implemented.

**Note:** All efforts and precautions should be taken to protect from construction damage all trees and their root systems designated to remain on the approved plans in accordance with the approved Tree Protection Plan.

- B. **FILL/EXCAVATION:** No modification of the Lot, by either fill or excavation, may begin until the following conditions are met:

1. Pine Bay's Architectural Review Committee ("ARC") has given ARC Approval of the proposed new Dwelling or Major Renovation of an existing Dwelling, provided that if changes are proposed to ARC

previously approved plans for fill/excavation then any change must be submitted to ARC for review and approval before being implemented.

2. ARC must have approved a Fill, Grading and Stormwater Drainage Plan, a Plan for Drainage (Swale) and Driveway Culvert in Common Space, and Temporary Sanitation, Etc. Plan, provided that if change is proposed to any of these ARC previously approved plans, then any proposed change must be submitted to ARC for review and approval before being implemented.

C. **WETLANDS:** No cutting of any growth or placing of fill material is permitted on any portion of a Lot or Common Areas designated as **wetlands** by the United States Corps of Engineers or the Delaware Department of Natural Resources and Environmental Control without a **written permit** from one of those agencies. Portions of the wetland areas on a Lot should be protected by the installation of plastic fence to prevent their disturbance.

D. **DRAINAGE & SWALES:** Swales in Pine Bay have been designed to drain Pine Bay along natural fall lines to the bay and wetlands. Prior to construction on an unimproved Lot, gravel is to be placed on the entry route to the building site of the Lot from the adjacent Pine Bay roadway. We encourage each Builder and Contractor to install driveway/access culverts as early as possible to minimize erosion, swale damage, and drainage disruption from construction activity. Culverts are to be installed with sufficient size, depth, and slope to allow natural drainage and prevent the buildup of water in any areas.

### III. **HOME BUILDER/CONTRACTOR ACKNOWLEDGMENT**

**Builder/Contractor Name:** \_\_\_\_\_

**Builder/Contractor**

**Address:** \_\_\_\_\_

**Contact Phone No.:** \_\_\_\_\_ **Email:** \_\_\_\_\_

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**Representative's Signature**

**Date**