

Pine Bay Homeowners Association
Major Landscaping Project Approval Application Package

Instructions for
Completing Major Landscaping Project Approval Application

1. The Glossary of Defined Terms of the Pine Bay Architectural Review Committee (“ARC”), which can be found in the ARC Section of the Pine Bay website: <https://pinebay.net/>, defines a “Major Landscaping Project” as the “implementation, whether concurrently or sequentially, of Landscaping for a New Dwelling or any appreciable modification of or addition to the existing Landscaping of Lot, but specifically excluding replacement in kind of dead, dying, diseased or overgrown plantings within the footprint of existing beds on a Lot, or replacement in kind of hardscape elements on a Lot within the existing footprint of those hardscape elements. For the purpose of determining whether a proposed modification or addition to any existing Landscaping of a Lot would be considered by ARC to be a Major Landscaping Project, the term “appreciable” means “of sufficient scope as could be expected to be a readily observable change to the Landscaping of a Lot from a Pine Bay Common Area or an adjacent neighbor’s Property.” Please consult with the Chair or a Co-Chair of ARC concerning whether he or she believes a proposed Landscaping project would be recognized as a Major Landscaping Project requiring ARC review and consideration.

This Application Package is to be used to submit a request for ARC review and consideration of an Owner’s proposed Major Landscaping Project. Please complete information requested concerning the Owner(s) and the Lot and, if applicable, the Builder or the Contractor (the “builder/contractor”), requested on the Major Landscaping Project Approval Application (“MLPAA”). Note: If an Owner proposes to use a builder/contractor to undertake work in Pine Bay, no builder/contractor may work in Pine Bay unless the builder/contractor satisfies the Pine Bay Homeowners Association Builder/Contractor Criteria, a copy of which can be found in the ARC Section of the Pine Bay website: <https://pinebay.net/>.

2. Please provide all required information and submissions noted in the MLPAA. A detailed listing of required information and deliverables for the MLPAA appears as an Appendix immediately following these Instructions.
3. Please provide any additional documentation or information that you believe might be helpful to ARC in evaluating the proposed Major Landscaping Project.
4. Please carefully review the covenants, conditions and restrictions of Article IV of the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Pine Bay (the “CCRs”), and the Glossary of Defined Terms, both of which can be found in the ARC Section of the Pine Bay website: <https://pinebay.net/>.
5. Please review Pine Bay’s Tree Policy, including its Tree Protection provisions, which also may be found in the ARC Section of the Pine Bay website: <https://pinebay.net/>. If any trees on the Lot are being proposed to be removed in connection with a Major Landscaping Project, a completed Tree Removal Request Application must be submitted to ARC concurrently with the MLPAA.
6. The MLPAA and associated documentation must be submitted to PineBayARC@gmail.com. Please do not submit a copy of these Instructions with the submittal of the MLPAA, but instead retain these Instructions for your information.
7. After ARC Approval of a proposed Major Landscaping Project is given, should the Owner(s) desire to make, or is required by Sussex County to make, any changes to the plans for the Major Landscaping Project, which previously received an ARC Approval, then those proposed changes must be submitted to ARC for a determination as to whether a modified ARC Approval will be required. No changes to ARC approved plans for a proposed Major Landscaping Project may be implemented until any further ARC Approval has been received.

8. Receipt of an ARC Approval of plans for this proposed project in no way indicates that applicable federal, state, or local authorities (e.g., Sussex County) will approve these plans or that these plans comply with applicable federal, state, or local law; conversely, approval of these plans by applicable federal, state, or local authorities in no way indicates that an ARC Approval would be given for these plans. Implementation of any plans for which an ARC Approval is required may not begin until both required federal, state, or local approvals, as applicable, and ARC Approval have been received by the Owner.
9. Within ten (10) days after receipt of an initial submission of a MLPAA in the ARC's email account, ARC shall use its best efforts to advise the Owner of any missing materials and/or to request any necessary clarifications of the MLPAA. Within thirty (30) days after ARC's receipt of an MLPAA and any missing materials and/or ARC requested clarifications, ARC will provide the Owner with a report on the status of ARC's deliberations on the MLPAA.

Appendix to Instructions

Major Landscaping Project Approval Application

Required Submissions

A. ITEMS REQUIRED TO BE SUBMITTED WITH INITIAL FILING OF MAJOR LANDSCAPING PROJECT APPROVAL APPLICATION (“MLPAA”)

(The following items to be submitted electronically to ARC at PineBayARC@gmail.com)

- 1) CERTIFIED AS-BUILT SURVEY of the Lot, prepared by a registered Delaware Surveyor showing the current Dwelling and other Structures on the Lot, spot & benchmark elevations of the Lot, all building restriction lines and any wetlands setbacks. Exception: Where only plant materials are proposed to be installed, whether new materials or transplanting of existing materials, then only a Location Survey is required.
- 2) SITE PLAN FOR THE MAJOR LANDSCAPING PROJECT, based upon either (a) a Certified As-Built Survey where hardscape Improvements and Landscaping are being proposed, or (b) a Location Survey where only the installation of Landscaping is being proposed, should include, as applicable:
 - i) EXISTING IMPROVEMENTS ON THE LOT TO BE REMOVED.
 - ii) A PLAN FOR NEW IMPROVEMENTS TO BE ADDED.
 - iii) FILL, GRADING AND STORMWATER DRAINAGE PLAN where the Major Landscaping Project would propose to change the existing grade of the Lot
- 3) SAMPLES DEPICTIONS PACKAGE, including URL e-link to:
 - a) the materials websites of all hardscape materials proposed and selected color of each material selected for the Major Landscaping Project, and
 - b) the names and depictions of new plant materials to be introduced with the Major Landscaping Project.
- 4) TREE REMOVAL REQUEST APPLICATION, where the Major Landscaping Project would necessitate removal of one or more trees to accommodate the Major Landscaping Project.
- 5) TREE PROTECTION PLAN, where the implementation of the Major Landscaping Project could be expected to impact any tree that would be retained on the Lot.

- 6) TEMPORARY SANITATION PLAN, where temporary sanitary facilities, waste receptacles, and storage facilities are to be placed on the Lot in support of the Major Landscaping Project.

(The following addition actions must also be completed in connection with the submission via email of the MLPAA and the above items)

- 7) TREE MARKING if there are trees proposed to be removed in conjunction with the Major Landscaping Project, then the appropriate marking of those trees.

B. ADDITIONAL ITEMS TO BE SATISFIED AFTER RECEIPT OF INITIAL ARC APPROVAL

Before Commencement of a Major Landscaping Project:

- 1) As applicable, receipt of ARC Verification or ARC Approval for any proposed TREE REMOVAL
- 2) As applicable, confirmation by ARC of acceptable TREE PROTECTION PLAN implementation.
- 3) When a Builder/Contractor is being used for the Major Landscaping Project, delivery to ARC of executed BUILDER/CONTRACTOR REQUIREMENTS WITH ACKNOWLEDGMENT, a form copy of which can be found in the ARC Section of the Pine Bay website: <https://pinebay.net/>.
- 4) When a Builder/Contractor is being used for the Major Landscaping Project, confirmation the Builder/Contractor satisfies BUILDER/CONTRACTOR CRITERIA.
- 5) Delivery to ARC of a CERTIFICATE OF INSURANCE provided by the Owner or Builder/Contractor, as applicable, naming the Pine Bay Homeowners Association as an “additional insured”.
- 6) When applicable, submission of the proposed TEMPORARY SANITATION, ETC. PLAN for placement of Builder/Contractor or Owner temporary sanitary facilities, waste receptacles, and storage facilities on the Lot for ARC approval.

Note: Placement of these facilities on Common Areas of Pine Bay adjacent to a Lot, including easements and swales is prohibited.

- 7) Delivery of a copy to ARC of any BUILDING PERMIT(S) required and issued by Sussex County for the Major Landscaping Project.

Updated: May 1, 2024

Pine Bay Homeowners Association
Major Landscaping Project Approval Application (“MLPAA”)

OWNER INFORMATION

Owner Name(s): _____

Address: _____

Telephone: _____ **Email Address:** _____

LOT INFORMATION

Lot Number: _____ **Lot Address:** _____

Lot Area: _____

BUILDER/CONTRACTOR INFORMATION (If Applicable)

Builder/Contractor Name: _____

Address: _____

Telephone: _____ **Email Address:** _____

DE Business License No.: _____

Contact Person for Project: _____

Contact Information

for Contact Person: Telephone: _____ **Email Address:** _____

**THIS MAJOR LANDSCAPING PROJECT APPROVAL APPLICATION
INCLUDES:**

(Please place an “X” next to each Document being provided.)

- ☐ [When applicable] Certified As-Built Survey of Lot
- ☐ [Required] Site Plan Package
- ☐ [Required] Samples Depictions Package
- ☐ [When applicable] Fill, Grading and Stormwater Drainage Plan
- ☐ [When applicable] Tree Removal Request Application
- ☐ [When applicable] Tree Protection Plan
- ☐ [When applicable] Tree Marking
- ☐ [When applicable] Temporary Sanitation Plan

Please provide a Brief Description of the proposed Major Landscaping Project:
[Describe here or on a separate attached page.]

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OWNER(S) CERTIFICATION

By submitting a Major Landscaping Project Approval Application, I/We acknowledge and accept the following:

- I/We have read and understand the provisions of the Amended Declaration for Pine Bay as they apply to the construction of my Major Landscaping Project on the Lot and believe that the proposed Major Landscaping Project will meet all requirements of that Amended Declaration, ARC's Glossary of Defined Terms, and associated policies of the Pine Bay Homeowners Association. The information that I/we provide to ARC in connection with this MLPAA is accurate to the best of my/our knowledge.
- I/We also acknowledge that no work except for normal maintenance may begin on the Lot until an ARC Approval has been issued for the installation/construction of my/our Major Landscaping Project.
- Physical inspections of the Lot by ARC members may be required in conjunction with ARC review of a Major Landscaping Project Approval Application and any resulting ARC Approval. I/we give permission to ARC members to enter Lot property to perform these inspections from time to time.
- I/we acknowledge that ARC may reach out to adjacent neighbors concerning the proposed Major Landscaping Approval Application to seek feedback on the proposed project. ARC may consider the feedback in its deliberations about the proposed project.
- I/we fully release and discharge the Association and the members of ARC from all claims, damages and liabilities related to, or arising from, any ARC Approval given in response to this Major Landscaping Project Installation Approval Application, including those that might arise from action or inaction related to ARC's processing of this Application and any decision made by ARC regarding this Application, including issuance of an ARC Approval.
- I/we are responsible for the safety of any construction activities undertaken on my Lot, and I/we are liable for any resulting consequences to my Lot, my neighbor's Lot, or Pine Bay common areas due to any of those construction activities undertaken on my behalf.

- Receipt of an ARC Approval of plans for this proposed Major Landscaping Project in no way indicates that applicable federal, state, or local authorities (e.g., Sussex County) will approve these plans or that these plans comply with applicable federal, state, or local law; conversely, approval of these plans by applicable federal, state, or local authorities in no way indicates that an ARC Approval would be given for these plans. Implementation of any plans for which an ARC Approval is required may not begin until both required federal, state, or local approvals, as applicable, and ARC Approval have been received by the Owner.
- Construction Activities of a builder/contractor*, except in an emergency, may only be done during permitted construction work hours and days as specified in the Amended Declaration, which are:
 - o Monday to Friday: 7:00 am to 7:00 pm
 - o Saturday: 9:00 am to 5:00 pm
 - o Sunday and all Federal Holidays: No construction work of any kind, including tree removal work.

* Construction Activities performed by Owner, please consult with the Pine Bay website at: <https://pinebay.net>.

Submitted by: _____
Owner Signature(s)

Date