

Pine Bay Homeowners Association
Minor Project Approval Application Package

Instructions for
Completing Minor Project Approval Application

1. Pursuant to 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 “Minor Project” as the installation or replacement of (a) a Roof, (b) a Dwelling Door, Garage Door, Windows, Siding, or Shutters, (c) any Deck (with or without railing), (d) any Enclosure whether or not attached to be attached to a the Dwelling, including a Shower Enclosure or a Trash Receptacle Enclosure, (e) an above ground Propane Tank, Emergency Generator, or HVAC Unit, (f) any hardscape feature, including Patio, Terrace, Wall, Walkway or Driveway, (g) Fence Line, (h) Lamppost, Fountain or Flagpole, (i) any detached unroofed Structure, such as an Arbor, Trellis, Pergola, Outdoor Kitchen/Bar or Fireplace, (j) Exterior Free Standing and Elevated Lighting, (k) Solar Array and Wind Turbine, (l) Antenna (attached or free standing), (m) inground swimming pools, (n) Grading and Fill, and (o) any other Improvement installed on the Lot of a fixed or permanent nature.”

Notes:

- 1) Minor Project Approval Application (“MPAA”) is NOT needed:
 - a) For in-kind replacements of the items noted above provided there is no change in materials, colors, or to the footprint, where relevant, of the existing item. However, an email should be sent to the Chair or Co-Chair of ARC at PineBayARC@gmail.com to advise the ARC of the intended work.
 - b) If an Attached Outbuilding is being proposed, a Major Renovation Construction Approval Application must be filed by the Owner.
 - c) Where any hardscape feature proposed to be installed is part of a Major Landscaping Project.
 - d) Where a proposed Lamppost is being proposed in conjunction with proposed plans for a New Dwelling.

- e) Where a Minor Project would require the removal of any trees, then a Tree Removal Request Application must also be submitted.
 - f) Where Grading and Fill are being proposed in conjunction with proposed plans for a New Dwelling, Major Construction Renovation, or a Major Landscaping project.
 - 2) Except for an Attached Outbuilding, no Outbuilding, including but not limited to a Gazebo or shed, is permitted in Pine Bay. See Glossary of Defined Terms for the definition of an “Outbuilding”.
 - 3) Above ground swimming pools are prohibited in Pine Bay.
 - 4) Please consult with the Chair or a Co-Chair of ARC concerning whether he or she believes a proposed project would be recognized as a Minor Project requiring ARC review and consideration. Please also consult on what materials would need to be submitted in support of a Minor Project.
2. This Application Package is to be used to submit a request for ARC review and consideration of an Owner’s proposed Minor 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 Minor Project Approval Application (“MPAA”). 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/>.
3. Please provide all required information and submissions noted in the MPAA. A detailed listing of required information and deliverables for the MPAA appears as an Appendix immediately following these Instructions.
4. Please provide any additional documentation or information that you believe might be helpful to ARC in evaluating the proposed Minor Project project.

5. 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/>.
6. 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 Minor Project project, a completed Tree Removal Request Application must be submitted to ARC concurrently with the MPAA.
7. The MPAA and associated documentation must be submitted to PineBayARC@gmail.com. Please do not submit a copy of these Instructions with the submittal of the MPAA, but instead retain these Instructions for your information.
8. After ARC Approval of a proposed Minor Project 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 Minor 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 Minor Project may be implemented until any further ARC Approval has been received.
9. 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.

10. Within ten (10) days after receipt of an initial submission of a MPAA 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 MPAA. Within thirty (30) days after ARC's receipt of an MPAA 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 MPAA.

Appendix to Instructions

Minor Project Approval Application

Required Submissions

ITEMS REQUIRED AS APPLICABLE TO BE SUBMITTED WITH INITIAL FILING OF MINOR PROJECT APPROVAL APPLICATION (“MPAA”)

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

I. INITIAL SUBMISSION:

A. Locational Materials.

Item	Certified As-Built Survey (*)	Location Plan (**)	Fill, Grading and Stormwater Drainage Plan (***)	Design Plan (****)
(a) Roof				
(b) Any Doors/Windows/ Shutters/Siding				
(c) Deck	X	X		X
(d) Any Enclosure	X	X		X
(e) Propane Tank, Generator, HVAC Unit	X	X		X
(f) Any Hardscape Feature	X	X	X	X
(g) Fence Line	X	X		X
(h) Lamppost, Fountain, or Flagpole	X	X		X

(i) Any Detached, Unroofed Structure	X	X	X	X
(j) Lighting (as defined)				
(k) Solar Array and Wind Turbine	X	X		X
(l) Any Antenna	X	X		X
(m) Inground Swimming Pools	X	X	X	X
(n) Grading and Fill			X	
(o) Any Other Improvement installed of a Fixed or Permanent Nature	X	X		X

Reference Notes:

* Certified As-Built Survey: An As-Built Survey prepared by a registered Delaware Surveyor showing the current Dwelling and other Structures on the Lot, spot and benchmark elevations of the Lot, all Setback lines, easements and any wetlands designations.

** Location Plan: A Location Plan for proposed features of a Minor Project on a Lot, shown on the As-Built Survey.

*** Fill, Grading and Stormwater Drainage Plan: A Fill, Grading and Stormwater Drainage Plan where a Minor Project could be expected to change the water runoff pattern of a Lot so as to potentially impact a neighboring Lot or neighboring Common Area of Pine Bay.

**** Design Plan: A Design Plan describing the features of a Minor Project including dimensions and elevations of the proposed features, as applicable.

- B. **SAMPLES DEPICTIONS PACKAGE**, including URL e-link to materials websites of all exterior materials and selected color of each material selected for the Minor Project.

Note: Where the Minor Project would only be an expansion of an existing similar Improvement, (e.g., expanding the area of a deck) and would be using the same type of materials in the same color as the existing similar Improvement, then no Sample Depictions Package is required to be submitted. The submission would be only a statement that the Minor Project would be carried out with the same materials type in the same color as the existing similar Improvement.

- C. **LOT STAKING** with all structural and improvement corners staked, and a line strung around the complete perimeter (including garages, porches, decks, driveways, patios, etc.), where the Minor Project would expand the footprint of the Dwelling or other Structures presently on the Lot.
- D. **TREE REMOVAL REQUEST APPLICATION**, where the Minor Project would necessitate removal of one or more trees to accommodate the Minor Project.
- E. **TREE MARKING** if there are trees proposed to be removed in conjunction with the Minor Project.
- F. **TREE PROTECTION PLAN**, where the undertaking of a Minor Project might impact any tree that would be retained on the Lot.

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

Before Commencement of a Minor 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 Minor 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 Minor 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) Where temporary sanitary facilities, waste receptacles and/or storage facilities are to be placed on the Lot in connection with a Minor project, submission of the proposed TEMPORARY SANITATION, ETC. PLAN for placement of those features 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 required for the Minor Project.

After Completion of a Minor Project:

- 1) Advise ARC by email that the Minor Project is completed.

Pine Bay Homeowners Association
Minor Project Approval Application ("MPAA")

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:** _____

Check () as Applicable	TYPE OF MINOR PROJECT
	Roof Replacement
	Dwelling Door, Garage Door, Windows, Shutters, or Siding Addition or Replacement
	Deck (with or without railing) Addition or Replacement
	Any Enclosure, including a Shower Enclosure, Propane Tank Enclosure or a Trash Receptacle Enclosure
	Propane Tank (at or below grade), an Emergency Generator, or a HVAC Unit
	Any hardscape feature, including Patio, Terrace, Wall, Walkway or Driveway not associated with a Major Landscaping Project
	Fence Line
	Lamppost, Flagpole, or Fountain
	Any detached unroofed Structure, such as an Arbor, Trellis, Pergola, Outdoor Kitchen/Bar, Fire Pit or Fireplace
	Exterior Free Standing and Elevated Lighting
	Solar Array or Wind Turbine
	Antenna (attached or free standing)
	Inground Swimming Pool
	Grading and Fill
	Any other Improvement of a fixed or permanent nature to be installed on the Lot that is not a proposed new construction or renovation of a Dwelling for which an Application for a New Dwelling, a Major Renovation or Major Landscaping would otherwise be required. *

	*Note: Please describe the nature of this type of proposed Improvement in the space provided below in this Application.
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**THIS MINOR PROJECT APPROVAL APPLICATION
INCLUDES:
(Please place an “X” next to each Document being provided.)**

- ___ [When Applicable] Certified As-Built Survey of Lot
- ___ [When Applicable] Location Plan
- ___ [When Applicable] Fill, Grading and Stormwater Drainage Plan
- ___ [When Applicable] Design Plan
- ___ [Required] Samples Depiction Package or when appropriate, a statement that the materials to be used are of the same type and color as existing Improvements to which the Minor Project is to become an addition to/expansion of.
- ___ [When applicable] Tree Removal Request Application
- ___ [When applicable] Tree Marking
- ___ [When applicable] Tree Protection Plan
- ___ [When applicable] Plan for drainage (Swale) and driveway culvert to be in Common Area between the Lot line and the adjacent Pine Bay roadway
- ___ [When applicable] Where a Minor Project is listed as an “other Improvement” (i.e., an Improvement of a permanent nature affixed to the ground or to a Dwelling that is not otherwise individually listed), please provide a short narrative of this type of Minor Project.

Narrative Concerning Other Types of Minor Projects

Please provide a short narrative of other types of proposed Improvements that would be a Minor Project:

[Described below or on a separate attached page.]

OWNER(S) CERTIFICATION

By submitting a Minor 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 Minor Project on the Lot and believe that the proposed Minor Project will meet all requirements of that Amended Declaration, Pine Bay'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 MPAA 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 construction of my/our Minor Project.
- Physical inspections of the Lot by ARC members may be required in conjunction with ARC review of a Minor 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 Minor Project 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 Minor Project 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.
- 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 any proposed Minor Project in no way indicates that applicable federal, state, or local authorities (e.g., Sussex County) will

approve such plans or that such plans comply with applicable federal, state, or local law; conversely, approval of such plans by applicable federal, state, or local authorities in no way indicates that an ARC Approval would be given for such 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 by 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: <https://pinebay.net>.

Submitted by: _____
Owner Signature(s)

Date