

Pine Bay Homeowners Association
New Dwelling Construction Approval Application Package

Instructions for
Completing New Dwelling Construction Approval Application

1. Please complete information requested concerning the Owner(s) and the Lot and the Builder or the Contractor (the “builder/contractor”) requested on the New Dwelling Construction Approval Application (“NDCAA”). Note: 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 Architectural Review Committee (“ARC”) section of the Pine Bay website: <https://pinebay.net/>.
2. Please provide all required information and submissions noted in the NDCAA. A detailed listing of required information and deliverables for the NDCAA appears as an Appendix immediately following these Instructions.
3. Please provide any additional documentation or information that you believe might be helpful to the ARC of the Pine Bay Homeowners Association in evaluating the proposed New Dwelling 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”), which can be found in the ARC Section of the Pine Bay website: <https://pinebay.net/>.
5. Please also consult the Pine Bay Glossary of Defined Terms found in the ARC Section of the Pine Bay website: <https://pinebay.net/>, used by ARC to interpret the provisions of the Amended Declaration and this Application.
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/>. For the trees on the Lot to be retained in connection with a New Dwelling project, a completed Tree Removal Request Application must be submitted to ARC concurrently with the NDCAA.

7. The NDCAA and associated documentation must be submitted to PineBayARC@gmail.com. Please do not submit a copy of these Instructions with the submittal of the NDCAA, but instead retain these Instructions for your information.
8. After ARC Approval of the NDCAA is received for a proposed New Dwelling project, should the Owner(s) desires to make, or is required by Sussex County to make, any changes to the plans for the proposed New Dwelling, 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 New Dwelling 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 NDCAA 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 NDCAA. Within thirty (30) days after ARC's receipt of an NDCAA 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 NDCAA.

Appendix to Instructions

New Dwelling Construction Approval Application

Required Submissions

A. ITEMS REQUIRED TO BE SUBMITTED WITH INITIAL FILING OF NEW DWELLING CONSTRUCTION APPROVAL APPLICATION (“NDCAA”)

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

- 1) CERTIFIED BOUNDARY SURVEY of the Lot, prepared by a registered Delaware Surveyor showing spot & benchmark elevations, building restriction lines and any wetlands setbacks.
- 2) SITE PLAN PACKAGE for the Lot, dimensioned, and indicating and locating all proposed improvements to be constructed on the Lot, which SITE PLAN PACKAGE should include:
 - i) SITE FILL, GRADING AND DRAINAGE PLAN.
 - ii) FOUNDATION PLAN.
 - iii) PILING PLAN (if pilings are to be required), showing piling height and type of skirting to be used.
 - iv) ARCHITECTURAL PLANS FOR THE PROPOSED DWELLING:
 1. Dimensioned Elevations of proposed Dwelling (front, rear, left and right), including showing height above unimproved Lot average grade; and,
 2. Dimension Floor Plan for each floor in the proposed Dwelling.
 - v) PLAN FOR ANY OTHER BUILDING PROPOSED TO BE CONSTRUCTED (e.g., Attached Outbuilding(s)), noting location, exterior design, materials, and use.
 - vi) PLAN FOR OTHER STRUCTURES PROPOSED TO BE CONSTRUCTED (e.g., deck(s), walls, pergola, fence lines, propane tank(s), enclosures), noting location, design as applicable, materials and color as applicable, and use as applicable.
 - vii) PLAN FOR OTHER IMPROVEMENTS PROPOSED TO BE INSTALLED (e.g., driveway, walkways, terrace(s), lamp post, flagpole), noting location, design as applicable, and materials and color as applicable.
 - viii) PLAN FOR PROPOSED LANDSCAPING TO BE INSTALLED (e.g., location, species/varieties, etc.)

- 3) PLAN FOR DRAINAGE (SWALE) AND DRIVEWAY CULVERT IN COMMON SPACE ADJACENT TO PINE BAY ROADWAY (indicating location, area and size, and materials).
- 4) SAMPLES DEPICTIONS PACKAGE, including links to materials websites of all exterior materials and selected color of each material selected for exterior surfaces of the dwelling, other buildings, and other structures to be constructed on the Lot.
- 5) TREE REMOVAL REQUEST APPLICATION
- 6) TREE PROTECTION PLAN
- 7) ESTIMATED CONSTRUCTION COST of the new proposed Dwelling.

(The following additional actions must also be completed in connection with the e-filing of the NDCAA and the above items)

- 1) CHECK submitted to the Treasurer of the Pine Bay Homeowners Association in the amount of \$1,250, made payable to “**Pine Bay Homeowners Association**”, which covers the \$250 ARC Review Fee and the \$1,000 refundable Deposit.
- 2) LOT STAKING with all structural and improvement corners staked, and a line strung around the complete perimeter (including garages, porches, decks, driveways, patios, etc.).
- 3) TREE MARKING with all trees on the Lot to remain clearly marked with easily visible "BANDING" (provided that grove areas can be encircled with banding instead of individual tree banding).

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

Before Construction on the Lot:

- 1) Receipt of ARC Approval for proposed Tree retention as set forth in the ARC Approval.
- 2) Confirmation by ARC of acceptable TREE PROTECTION PLAN implementation.
- 3) Delivery to ARC of executed BUILDER/CONTRACTOR REQUIREMENTS WITH ACKNOWLEDGMENT, a form copy of which can be found in the “Architectural Review Committee” section of the Pine Bay website: <https://pinebay.net/>.
- 4) 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) Submission of proposed TEMPORARY SANITATION, ETC. PLAN for placement of Builder/Contractor 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 BUILDING PERMIT(S) issued by Sussex County for the Dwelling and other improvements on the Lot.

Before Landscaping of the Lot:

- 1) Submittal of a PROPOSED LANDSCAPING PLAN showing proposed plantings, soil treatments, borders, decorations, etc., which proposed Landscaping Plan will require ARC Approval before implementation.

Before Occupancy of a New Dwelling:

- 1) Submittal to ARC of a copy of AS BUILT Survey.
- 2) Submittal to ARC of a copy of a CERTIFICATE OF OCCUPANCY for the Dwelling issued by Sussex County.

Pine Bay Homeowners Association
New Dwelling Construction Approval Application (“NDCAA”)

OWNER INFORMATION

Owner Name(s): _____

Address: _____

Telephone: _____ **Email Address:** _____

BUILDER/CONTRACTOR INFORMATION

Builder/Contractor Name: _____

Address: _____

Telephone: _____ **Email Address:** _____

DE Business License No.: _____

Contact Person for Project: _____

Contact Information

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

LOT INFORMATION

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

Lot Area: _____

**THIS NEW DWELLING CONSTRUCTION APPROVAL APPLICATION
INCLUDES:**

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

- ___ [Required] Certified Boundary Survey of Lot
- ___ [Required] Complete Site Plan Package
- ___ [Required] Samples Depictions Package
- ___ [Required] Tree Removal Request Application
- ___ [Required] Tree Protection Plan
- ___ [Required] Fill, Grading and Stormwater Drainage Plan
- ___ [Required] Plan for drainage (Swale) and driveway culvert to be located in
Common Area between the Lot line and the adjacent Pine Bay roadway
- ___ [Required] Estimate construction cost of new proposed Dwelling
- ___ [Required] New Dwelling Review Fee and Construction Deposit of \$1,250
payable to “Pine Bay Homeowners Association” is paid
- ___ [Required] Lot Staking
- ___ [Required] Tree Marking

1. Brief Description of the exterior style, color palate and materials of the proposed New Dwelling/Attached Outbuilding(s):

[Describe here or on a separate attached page.]

2. Dwelling/Attached Outbuilding(s), etc.:

Gross Floor Area: _____

Floor Area of Ground Floor: _____

Number of Bedrooms: _____

Number of Bathrooms: _____

Proposed Height of Building: _____

Proposed number of Stories: _____

Pitch of Roof(s): _____

Attached Garage Vehicle Occupancy: _____

Proposed Lot Occupancy: _____

Proposed Elevation Change over the Lot:

3. Project Impacts:

- In conjunction with the construction of a Dwelling, would there be any temporary or permanent impact on any Pine Bay Common Area (Yes or No)? If yes, please submit the plan describing/showing the impact.
- Pole Lamp Location at the front of the Lot: _____
- Please provide a short narrative of other Improvements besides the Dwelling proposed for the Lot (e.g., Attached Outbuilding(s), decks, patios, terraces, outdoor kitchens and bars, fire pits, fences, swimming pools, trash can and propane tank enclosures, outdoor showers, walkways, retaining walls, fences, driveways, exterior lighting, fountains/water features, flag poles, generators), which should be depicted on the Site Plan documents submitted.

[Described below or on a separate attached page.]

OWNER(S) CERTIFICATION

By submitting a New Dwelling Construction 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 New Dwelling on the Lot and believe that the proposed new Dwelling 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 NDCAA 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 new Dwelling.
- Physical inspections of the Lot by ARC members may be required in conjunction with ARC review of a New Dwelling Construction 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 New Dwelling Construction 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 New Dwelling Construction 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 New Dwelling 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