



A. ARC Unimproved Lot Modification Guidelines

1. Overview:

- 1.1. The Somersby Park Architectural Committee (ARC) is responsible for oversight of the aesthetics of all properties in the community, including unimproved lots.
- 1.2. These guidelines were designed to create a balance which preserves the beauty and safety of our community while managing property owners' desire to enhance the enjoyment or marketability of their property by minimizing impediments such as vegetation overgrowth and inaccessibility.
- 1.3. Guidelines for Modifications to Unimproved Lots differ from those with existing homes, in part because of the difficulty in assessing the impact of tree removal/modification for a home which does not exist.
- 1.4. The procedures detailed below were designed to provide a systematic and uniform process for ensuring that all properties are in visual harmony with Somersby Park's mountain setting.

2. ARC Approval IS REQUIRED prior to undertaking any modification to unimproved lots. To Request ARC Approval:

- 2.1. Complete Form A (ARC Review/Approval Form for Modifications to Unimproved Lots) detailing the following:
 - 2.1.1. Overview of project, including the scope of work and project timeline for completion.
 - 2.1.2. Specifics on any modification being requested.
 - 2.1.2.1. Methodology for removal of vegetative matter, including tools and equipment that may be used.
 - 2.1.2.2. How erosion will be controlled and, if applicable, what

materials will be used to replace vegetative cover removed during the process.

- 2.1.2.3. How debris will be handled (cut and scatter, chip and spread, haul away, etc.).
- 2.1.3. In very limited circumstances, the ARC may consider requests for selective removal, limbing or trimming of trees greater than 6" in diameter (as measured 3' up from the ground). Additional Information is required for these requests:
 - 2.1.3.1. The tree species and rationale for removing, limbing or trimming (dead/damaged/diseased, safety hazard posing danger to the roadway or adjacent property, invasive tree species, view management, etc.).
 - 2.1.3.2. A planting list of replacement trees if appropriate.
- 2.2. Prior to beginning work, submit Form A, "before" photo(s), and the report of a certified arborist, if required under section 5.5. below, to SomersbyParkARC@gmail.com .
 - 2.2.1. All requests require electronic submission. Please advise if you need assistance complying with the requirement for digital submission.
 - 2.2.2. Requests are reviewed by the ARC which will approve, approve with conditions, approve in part, or disapprove in writing.
 - 2.2.3. The ARC endeavors to respond to all requests in a timely fashion. Do not proceed without written authorization.
- 2.3. Upon project completion, notify the ARC and submit "after" photo(s) to SomersbyParkARC@gmail.com.
- 2.4. Any requests by a property owner to remove or alter any trees, shrubs or other vegetation on an adjoining property require a written request from the adjoining property owner. That signed request must specifically state what modifications are being requested and should accompany the documentation required in submittal of Form A (ARC Review/Approval Form for Modifications to Unimproved Lots) as detailed above.
- 2.5. All trees and vegetation in the community's Common Area or Green Space are considered protected vegetation; they are the purview of the Common Area

Committee and are covered by a separate policy found online at SomersbyPark.com/covenants-and-guidelines/.

3. Criteria for Evaluation:

- 3.1. Tree and vegetation modification will be evaluated based upon factors including, but not limited to, the following:
 - 3.1.1. Impact on neighboring property owners.
 - 3.1.2. Long-term aesthetic appeal and maintenance requirements.
 - 3.1.3. Erosion and its impact on potential slope failures and landslides.
- 3.2. Each request is reviewed based on its own merits and site conditions and decisions are granted on a project-by-project basis.
 - 3.2.1. Projects should be completed within the timeframe specified.
 - 3.2.2. ARC decisions do not create binding precedent that will run beyond completion of the project or apply to any other project request.

4. Removal of Brush, Saplings, Trees and Shrubs 6" in Diameter and Under:

- 4.1. All kudzu should be removed.
- 4.2. Removal of any dogwood, mountain laurel or rhododendron is not allowed.
- 4.3. Selective removal of underbrush, invasive plants, small saplings and non-flowering trees 6" in diameter and under (as measured 3' up from the ground) is allowed to enhance aesthetic appeal of the property or to facilitate surveying, house design selection and house siting.
- 4.4. Brush and other debris should be chipped and spread or hauled away after removal. The Town of Laurel Park prohibits brush burning. Brush should not be dumped on another lot, hidden at the back of a lot, or placed upon neighborhood green space or other common area.
- 4.5. Pathways to access viewing areas may be allowed subject to the following:
 - 4.5.1. Vehicular pathways are prohibited.
 - 4.5.2. Pedestrian pathways not to exceed 6' in width may be allowed.

- 4.5.3. No gravel or permanent materials may be used.
- 4.5.4. Hardwood and pine bark are acceptable mulching materials; dyed or colored mulch and shredded rubber are not acceptable.
- 4.5.5. Grass or other vegetative cover may be used.

5. Removal or Modification of Trees and Shrubs Greater than 6" in Diameter:

- 5.1. Dead, damaged, diseased and fallen trees and limbs that pose a safety hazard to the roadway or adjoining properties should be removed.
- 5.2. Removal of any dogwood, mountain laurel or rhododendron is not allowed.
- 5.3. Clear-cutting is prohibited.
- 5.4. In very limited circumstances, the ARC may consider requests to create viewing platforms or open up long-range mountain views. The following factors will be considered:
 - 5.4.1. Location of the tree on the property in relationship to the roadway and neighboring homes.
 - 5.4.2. Visibility from the street and neighboring homes.
 - 5.4.3. Density of remaining trees and shrubs on the property.
- 5.5. The following modifications may be considered:
 - 5.5.1. Removal of an entire tree or shrub, with or without replacement using more desirable species.
 - 5.5.2. Canopy reduction and limbing to remove branches obstructing view or endangering residences or roadways. The extent of the limbing should be clearly noted on the request and is limited to no more than 25% of the existing limbs on the tree, except where, in the opinion of a certified arborist, limbing greater than 25% will not materially impact the tree.
 - 5.5.3. Thinning of trees and shrubs, as described in a certified arborist's report detailing the nature of the thinning.

5.5.4. Topping a tree places it under considerable stress and will not be approved, except in rare circumstances, where, in the opinion of a certified arborist, the topping will not materially impact the tree.

5.6. Large debris should be hauled away or cut and scattered. Small limbs may be chipped and spread or hauled away.

6. Other Restrictions:

6.1. No structures of any type, whether temporary or permanent, may be placed upon or constructed on an unimproved lot until home construction plans are presented to, and approved by, the ARC.

7. Right- of- Way

7.1. Prior to beginning any hardscape project, owners should keep in mind the HOA's ownership of the entire road bed and utilities right-of-way that exist between their property and Somersby Park roadways.

7.2. Owners enjoy an easement across this common area in order to access their home sites.

7.3. Any work, utility or otherwise, that becomes necessary within this easement is not subject to stoppage or other interference by the affected property owner.

7.4. Because of HOA ownership of the entire road bed abutting privately owned lots, it is important that the boundary line of private property be identified and marked before any work begins.

7.5. Owners are responsible for contacting 811 to ensure that no roadside utilities are damaged; replacement and repair is at the owners' expense.

8. Roadside Drainage

8.1. Mountain rainfall, often severe, creates heavy water flow on and along the roads of Somersby Park. Roadsides are susceptible to erosion in these conditions and measures should be taken to limit such damage from runoff.

8.2. Methods and materials used to control roadside drainage should be approved by the ARC and/or SPHOA Board prior to placement or installation.

9. Signage

- 9.1. One “For Sale” sign containing the agent’s name and phone number may be placed on a property. A single logo for the listing agency may be used; photos not are allowed.
- 9.2. The approved standard sign for such use is shown below and can be obtained at the owner’s expense by contacting SpeedGraphics & Sign Design, Inc. at (828-771-0322) or sales@speedgraphics.com.



- 9.3. Balloons, banners and directional signage are prohibited.

10. Conduct of Workers:

- 10.1. Property owners assume responsibility for conduct of workers and for any activities that cause damage to roadways, right-of-ways, Common Areas and/or neighboring properties. Repairs must be made promptly at the owners’ expense.
- 10.2. Use of the upper gate on Laurel Park Highway is restricted to property owners; all other traffic should access the property through the gate at 3080 Hebron Road. Contact SomersbyParkARC@gmail.com if you need a gate code assigned for workers.
- 10.3. Hours allowed for personnel to be on site are Monday through Friday from 7am to 7pm or dusk, whichever is earlier, and Saturday 8am to 5pm. No work may be performed on Sunday or major national holidays, including New Year’s Day, Memorial Day, 4th of July, Labor Day, Thanksgiving and Christmas.
- 10.4. Loud cars and speeding are not allowed within the development, and if site conditions allow, all vehicles should be parked on the property. Loud music is not permitted, and shirts and shoes are required while on the job site.

- 10.5. Dumpsters and portable toilets, if used, should be removed within 24 hours of job completion.
- 10.6. Site cleanliness should be maintained at all times. If not appropriately maintained, a “stop work order” may be issued by the ARC.