

Resolution of Architectural Control Committee of Beech Mountain Lakes Association
in
Drums, Pennsylvania

Policy on fencing

RECITALS

- (A) Whereas, The Beech Mountain Lakes Protective Covenants, Declarations, and Rules and Regulations (hereinafter referred to as the "Covenants"), describe how a property may be used, developed, and maintained within the community; and
- (B) Whereas, The Architectural Control Committee, (hereinafter referred to as the "ACC"), under section 13, of the Beech Mountain Lakes protective Covenants has the power to implement general use restrictions including section 13.4; and
- (C) Whereas, The Beech Mountain Lakes Community and the ACC are in need of a uniform policy for the use of fencing as a barrier or an enclosure; and
- (D) Whereas, The Property Owner, under section 3.0 of the Covenants, is charged with certain responsibilities regarding the care, maintenance, service, and preservation of property within Beech Mountain Lakes Association in Drums, Pennsylvania; and
- (E) Whereas, The Architectural Control Committee wishes to adopt a uniform policy for the use of fencing as a barrier or an enclosure; and
- (F) Whereas, Property Owners that received written permission from the ACC prior to the adoption of this policy, to the extent possible shall comply with all terms of this policy, but shall not be required to separately apply for a hearing before the ACC.

Now, therefore, be it resolved as follows:

The Architectural Control Committee hereby adopts the following policy regulating fences.

- 1) **Written permission as required by the Covenants.**

No fence shall be placed, constructed, erected or permitted on any property in the Beech Mountain Lakes Development without express written permission of the ACC after proper application by the property owner to, and hearing by the ACC.
- 2) **Fencing as an enclosure.**

Fencing may be permitted in the rear of the property.
- 3) **Fencing as a barrier.**

Fencing may be permitted as a barrier where there is a steep embankment with at least a three (3') foot drop off with a grade of 30% or more.
- 4) **Fencing to protect landscaping.**
 - a) Individual trees, shrubs, and/or flower beds may be screened with an ACC approved material.
 - b) A sample of the desired material must be included with the plot plan showing areas to be protected.
 - c) Split rail as defined in #6 is NOT approved for this purpose.

5) Decorative Fencing

- a) Fencing to be used as decoration may only be split rail as defined in #6.
- b) Fencing cannot be more than 10 feet long in any one direction.
- c) Fencing in rear yard must follow lines of house and must be at least 10 feet from the rear property line.
- d) Fencing may be placed on property lines in front of house.
- e) No wire of any type may be placed on the 'decorative' fencing.

6) Materials and Location

Any/all fences allowed by the ACC shall comply with the following material and location requirements:

- 1. A wood, unpainted two-rail split rail is the only accepted material.
- 2. Wooden posts for fencing shall not be set in concrete.
- 3. Chicken wire, or other *pre-approved* wire material, only, may be used to line the inside of the fence.
- 4. Fencing may not exceed three feet six inches (3' 6") in height.
- 5. Fencing may only be erected/constructed in the rear yard of the property. The rear yard being defined as the side of the house with the forty foot (40') setback.
- 6. Fencing shall follow the line of the house on each side and must be no less than ten feet (10') from rear property line.

7) Aesthetics

Any/all fences to be located in the Beech Mountain Development shall be aesthetically pleasing and shall not detract from the natural beauty of the surrounding properties, open spaces, green spaces, nor shall they be allowed where such fence would impede the ingress or egress of any property owner in the development from gaining access to/from any open space, green space, roadway, common area, common facility or other area which owners have a right to travel.

8) Adjoining properties.

No request for written permission of the ACC to erect or construct a fence shall be considered complete unless and until such application has attached to it the names and addresses of all adjoining and contiguous surrounding property owners. Notice shall be served on all such surrounding property owners regarding the request for fencing, and shall have the right to attend the ACC meeting where the request for fencing is heard, and they shall have the right to object to such fencing request. Due consideration will be given to adjoining property owners objection to the fencing request.

9) Separability

Nothing in this policy shall be interpreted to negate or limit any other portions of the Covenants, the powers of the ACC or the Association.


All provisions of the BML Board Variance Policy shall be followed including fees, applications and forms. A copy of the policy shall be available at the Association office.

10) Effective Date

The aforementioned policy shall be effective upon adoption of the ACC, and the execution of this resolution.

In Witness whereof, the undersigned have executed this resolution the 19th day of July 2004.


Sec - ACC


-chairman, ACC

Approved by Board of Directors 7/27/04