

Wellington Estates Homeowner's Association, Inc.

Rules and Regulations and Architectural Guidelines

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ARCHITECTURAL REVIEW COMMITTEE

Note: unless the context specifically provides otherwise, all defined terms used herein shall have the same definitions accorded to them in the Declaration of Covenants, Conditions, and Restrictions of Wellington Estates (as amended, supplemented, modified, and/or restated from time to time, the "Declaration").

The main duties of the Architectural Review Committee (the "Committee") are the evaluation of modifications and additions to the homes proposed by the homeowners relative to the restrictive covenants to which all members of the Wellington Estates Owner's Association (the "Association") are subject. The Committee's mission is to assure that the visual harmony of the neighborhood is maintained in such a manner as to enhance the character of the entire community.

Restrictive Covenants. One of the documents you received when you purchased your home was a copy of the Declaration. This document sets out a basic list of restrictions that were designed to ensure an orderly and well-maintained community. All owners have agreed to abide by this document by virtue of accepting ownership of their lot. The Committee is charged with notifying any homeowner who is not in compliance. From time to time, the Board of Directors of the Association (the "Board") may amend the Rules and Regulations (the "Rules") and the Architectural Guidelines of the Association (the "Architectural Guidelines").

Modifications. The most frequent activity of the Committee is the review of proposed modifications to Buildings and/or Lots, submitted by homeowners. **As more particularly provided for in the Declaration, all changes to a Building and/or Lot which affect the appearance of the Building or Lot, must be submitted for review and approval by the Committee.** Notwithstanding any timeframe stated in these Rules or Architectural Guidelines, no work shall begin prior to receiving a written approval of your project from the Committee, nor should any work vary from the proposal approved by the Committee.

- **Submit your application early.** The Committee has up to thirty (30) days to consider your request. A Committee member will contact you to perform an initial on-site review of the application. In the event you need to apply for a building permit from James City County ("JCC") as well, it is advisable to have Committee approval to submit with that application.
- **Be sure your application is complete and accurate.** Missing or incorrect information slows the process for everyone. Accurate drawings of the proposed project will assist the Committee in understanding the final appearance.
- **Refer to the Architectural Guidelines for requirements.**
- **Do not start work until you have received written approval from the Committee.** You can be compelled to restore your property to its original condition at your expense.
- **Project completion.** Once you have received pre-approval to begin your project, your project must then be completed within forty-five (45) days. Please contact the Committee upon completion so that the final on site review can be completed.
- **Duration of applications.** Applications are only valid for four (4) months. If your project has not started within that timeframe you must submit a new application
- **Be available for clarification and discussion.** Don't submit an application just before going out of town.
- **Do not attempt to rush the process.** Every effort will be made to arrive at a decision in less than the allotted thirty (30) days. Do not schedule a start date with a contractor/installer until you have Committee approval. The Committee will not expedite a review simply because the Owner has already scheduled installation.

- **There is an appeal process if your application is denied.** Denials will be accompanied by reasons for the decision and particulars of the appeals process.

Mail the completed application to:
Wellington Estates HOA
c/o Chesapeake Bay Management, Inc
603 Pilot House Drive, Ste 300
Newport News, VA 23606

Alternatively, questions may be addressed by email to jsmith@lcbm.com or call Chesapeake Bay at 757-534-7751. If you are not sure if an application is required, please contact the Architectural Review Committee or the management company via email.

COMMUNITY RULES

Any work to a Building and/or Lot requiring approval of the Committee must be completed within 45 days of the start of the project and must adhere to the Architectural Guidelines. Applications are only valid for a period of four (4) months. If the work has not started within that timeframe, a new application must be submitted.

MAINTENANCE OF PROPERTY

It is the Owner's responsibility to ensure that their property and dwelling are properly maintained. This includes, but is not limited to, repairs to dwellings, driveways, mailboxes, fences, decks, algae/mold removal, and proper maintenance of grass and landscaping.

Yards should be kept and maintained in such a manner that weeds do not impact neighboring Lots or the Common Area, and grass does not grow excessively high. Grass clippings on sidewalks and roads should be cleared.

Any architectural CHANGES must be approved by the Architectural Review Committee in **advance** by submitting an application **prior** to making the modifications.

COMMERCIAL AND PROFESSIONAL ACTIVITY ON THE PROPERTY

No wholesale or retail business shall be conducted on the Property, except:

- (1) By any Home Builder in conjunction with the initial construction, development, and sale of Lots.
- (2) Any other type of business requires prior approval of the Board.

GARAGE AND YARD SALES

Garage and yard sales are not allowed except for a community-wide sale, if and when designated by the Board of Directors. A moving sale is authorized once within sixty (60) days of move. Notification of a moving sale date must be submitted to the Association's managing agent or Board 14 days prior to the moving sale date.

NOISE AND NUISANCE

Residents are expected to be considerate of others, and excessive noise or nuisance activities impacting neighboring Lots are prohibited. This includes lighting, loud music, voices, barking, or other sounds or odors. Particular attention should be given to the period from 10:00PM to 8:00AM. **The Association's authority to enforce noise complaints is limited. Please contact James City County police with any ongoing problems.**

Construction activities are to be limited to daylight hours.

Per Sections G & H of Article Five of the Declaration: Use and Occupancy: Restrictions:

G. No nuisances shall be allowed in or upon any Lot or dwelling or the Common Area, nor shall any use or practice be allowed which interferes with the peaceful occupancy and use of any dwelling or the Common Area by the Owners.

H. No immoral, improper, offensive, or unlawful use shall be made of any Lot or dwelling or any part of the Common Area.

PETS

Only traditional domestic household pets like dogs, cats, birds, rabbits, fish and other domestic pets are permitted. Breeding for commercial purpose is not allowed. James City County required licenses and inoculations shall be maintained. Pets shall not run at large and shall be leashed when not inside the confines of a fenced Lot. Residents walking their dogs must have them on a leash and properly clean up after them.

The HOA's authority to enforce pet complaints is limited. Please contact James City County Animal Control with any ongoing problems.

DOGHOUSES AND RUNS

All doghouses and runs must be within a privacy fenced back yard and not visible. Doghouses and runs are not permitted without a fence.

TRASH STORAGE AND COLLECTION

All garbage and trash stored on Property must be kept in covered containers or sealed plastic bags. Containers may be placed at curbside no earlier than the evening before collection day and must be returned to the storage location by evening of collection day. Trash and recycling containers (collectively, "Containers") shall be kept inside the garage or on the side or back of the house, with a screen. Containers shall not be visible from the street or neighboring Lots. If Containers are stored behind the house, they shall not be visible from other streets that are behind the Lot.

VEGETABLE GARDENS

Vegetable gardens may be grown in the rear of the dwelling. Watering, maintaining, and cultivating the garden must meet all requirements of JCC and should not result in problems for neighboring Lots or Common Area. The size of a garden shall not exceed 15 feet by 20 feet without Committee approval.

VEHICLE PARKING

Residents shall not park on grass located anywhere on a Lot or Common Area.. Please utilize garage and driveways for all vehicles.

VEHICLE REPAIRS

Minor vehicle maintenance (such as oil changes, tire rotations, etc.) are permitted, but no major vehicle repairs or modifications requiring a vehicle to remain on jack stands for a period exceeding eight (8) hours shall be performed on any street, Lot, or Common Area. Inoperative vehicles may not be stored in driveways or on any street. Examples of inoperative vehicles are those with expired tags, expired inspections, flat tires, broken windows, etc.

RENTING OR LEASING OF HOMES

No Lot or Building shall be rented for a period of less than six (6) months. A copy of the fully executed lease must be delivered to the Association. Assessments are the responsibility of the Owner of the Lot. If a Lot's assessments are not fully paid, the Board has the right to suspend an Owner's right to use the recreational facilities (including the pool, and, to that effect, the Association may not distribute pool passes), as more particularly described under Virginia Code Section 55-513.

SALE OF HOME

The Virginia Property Owners' Association Act requires the seller to obtain a disclosure packet from the Association, which must be provided to any purchaser at contract signing. This may be requested from the Association's Manager when the Lot is offered for sale. A request for a disclosure packet must be submitted at least 3 days prior to the actual closing date of the Lot. Fees for the packet will be paid by the Owner. Owner may contact the Association Manager to obtain the associated fees for the packet.

Providing a disclosure packet offers certain protection to the purchaser and informs them that there are restrictions and rules regarding the use of the Property. Failure to provide this packet could result in cancellation of a sale contract.

FLAGS

Residents may display a maximum of three (3) flags externally and may incorporate the use of a flag pole only with prior Architectural Review Committee review and approval. Dimensions of the flags are not to exceed 4 feet by 6 feet. This rule does not apply to small garden flags.

GRILLS

Permanent or portable grills must be located in the backyard of a Lot, on a rear deck or rear patio, and they may not be visible from the front of the Lot. Grills are not permitted to be placed in the garage for use but may be stored in a garage. Architectural Review Committee approval is required for permanent grills.

MAILBOXES

Per the Architectural Guidelines, "All mailboxes shall be of standard design approved by the Architectural Review Committee." Approved mailboxes are: mailboxes (including post and box) that were installed at the time of Building construction or that are the original approved mailbox (collectively, an "Original Mailbox").

In the event that an Original Mailbox is repaired, removed, improved, or replaced it (or the new one) must adhere to the following rules:

- All mailboxes must be standard size mailboxes (19Lx16.5Wx8.5H or 23.5Lx11.5Wx13.50H) in either white or almond in color.
- A post must contain a newspaper box and must be painted the same color as the mailbox.
- House numbers must be displayed on the mailbox or mailbox post.
- Mailboxes/posts must be chosen from the following selections (pictures can be found in the appendix:
 1. An American Eastern Mailbox painted Almond in color. The Owner is responsible for having the mailbox built. Approved paint can be purchased at the Sherwin Williams (formerly Duron Paints) store at [6520 Richmond Road Williamsburg, VA 23188 \(on Rt. 60 near NY Deli\) \(757\) 565-3940](#). Ask for the Wellington HOA Account and the almond mailbox paint.
 2. Mayne Dover Mailbox Post in White (with white mailbox) or Clay (with Clay or Bronze mailbox). Available from Lowes and Home Depot. If not available in store, check online.
 3. Mayne Liberty Mailbox Post in White or Clay with WhiteHall Metal Mailbox (White on White post or Bronze on Clay post).

HEATING AND AIR CONDITIONING

Window heating and air conditioners are not allowed. Wall heating and air conditioning units that would be visible from neighboring Lots or the Common Area require Architectural Review Committee approval.

HOUSE NUMBERS

House numbers are important to emergency personnel in locating an address as well as to facilitate mail and package delivery. Therefore, each Owner must have house numbers that are clearly visible on both sides of their mailbox or mailbox post.

LANDSCAPING

Landscaping of plants is permitted without an application; however, such landscaping must be done in such a way as to not impact neighboring Lots or the Common Area. Landscaping in the front and side yards and visible to neighboring Lots (or visible from the street) must be accomplished in a manner that does not detract from the general appearance of the community. It is suggested that plans are discussed with immediate neighbors and careful consideration is given to the size of the mature plantings.

Patios and other permanent or semi-permanent structures (including walls and support structures) do not constitute landscaping. These items are considered building/property modifications and should follow the guidelines listed in the building modification section and require Architectural Review Committee approval.

Plants, trees, shrubs, and other landscaping near neighborhood signage or sidewalks should be maintained in such a manner as to not cover or block the sign or impede pedestrians on the sidewalks.

MAINTENANCE OF DRAINAGE EASEMENT AREAS

Some Lots are encumbered by drainage easements that run parallel to the Lot line or otherwise cross the Lot. A concrete swale (gutter) or a swale made of large rocks may have been constructed within the drainage easement area. It is the homeowner's responsibility to maintain landscaping in and around the drainage easement areas, including edging of grass and knocking down weeds that may begin to grow inside the drainage easement area (except as may be specifically provided for in such easements). Homeowners may not remove rocks or other components located within the drainage easement areas. Installation of landscaping to include trees, shrubs, and other plants is restricted in the areas immediately adjacent to a drainage easement (except as may be specifically provided for in such easements). Plantings should not be installed near these areas, so as to prevent damage to any drainage components that may be underground.

CLOTHESLINES

Outdoor clotheslines or other facilities for the drying or airing of clothing or bedding are not permitted.

RECREATION AND PLAYGROUND EQUIPMENT

Recreation equipment includes, but is not limited to, swing sets, play sets, play houses/forts, trampolines, and sandboxes. They do not require Architecture Review Committee approval if anchored in a temporary nature; that is, not anchored with concrete. All equipment must be anchored and placed behind the rear house line spanning the width of the Lot. Equipment should be setback at least five feet from property lines, although greater distance might be necessary depending on the orientation of adjacent property. Equipment made of durable poly materials is acceptable. If equipment is made of wood, it must be allowed to weather naturally, be treated with clear wood or natural preservatives, or be painted the same color as the house's siding or Lot fence. Portable or permanent basketball backboards are allowed along driveways.

SATELLITE DISHES & ANTENNAS

Only those antennas expressly permitted under the Federal Communications Commission's Over-the-Air Reception Devices (OTARD) Rule implementing Section 706 of the Telecommunications Act of 1996, as amended from time to time, are allowed. All others are expressly prohibited. As of the date of the approval of these Rules, the following are permitted under OTARD: (a) direct broadcast satellite (DBS)

antenna one (1) meter or less in diameter or diagonal measurement; (b) antennas designed to receive Multipoint Distribution Services (MDS) that are 39.37 inches (one (1) meter) or less in diameter, (c) antennas designed to receive television broadcast signals of any size; (d) transmission-only antennas if they are necessary for the use of a covered reception antenna and are one (1) meter or less in diameter; and (e) masts used in conjunction with any of these antennas (collectively, the foregoing are referred to as "Covered Antennas"). The foregoing list is subject to change pursuant to changes in OTARD and/or any other applicable laws. Covered Antennas shall comply with the following, to the extent such restrictions are not prohibited by the OTARD Rule, and an application for Architectural Review Board approval must be submitted for any device deviating from the following:

1. Television broadcast Covered Antennas must be installed inside a Building whenever possible.

2. No roof antenna shall extend more than twelve (12) feet above the highest point on the roof, unless the Owner has first applied for and obtained a safety permit from the Architectural Review Board. To obtain the safety permit, the Owner must provide the Architectural Review Board with written plans depicting the proposed structure.

3. Satellite dish antenna, if eighteen inches or less, shall be located on the rear of the Building either just below the roof ridge or the fascia board below the roof eaves, or if larger than eighteen inches, be located behind the rear foundation of the Building.

4. Any cable associated with a satellite dish or other antenna shall be buried or shall not be visible on the structure to which it is attached or extended. If the satellite dish is mounted on a pole affixed to the ground, the pole and the cable associated with such satellite dish should be screened such that the pole and cable are not visible from the street(s) adjoining the Lot.

SEASONAL DECORATIONS

Seasonal decorations (temporary decorations associated with a particular holiday) may be displayed without Architectural Review Committee approval for a period of thirty (30) days before and fourteen (14) days after such holiday.

DRIVEWAYS

Owners are responsible for maintaining their respective driveways, except as may be otherwise provided for by a duly recorded easement or cost sharing agreement. No application is required for driveway repairs. However, repairs must not alter driveway dimensions and they must be made with cement of adequate strength for its use. The color and surface texture must be the same as that of the original driveway. Only concrete and aggregate driveways are permitted on the Property.

AWNINGS

Architecture Review Committee approval is necessary for awnings. Applications should include images with the proposed location of the awnings and their size and color. Awnings shall only be approved for the back of the home/attached to the rear house line. Color shall match the house's siding, trim, or shutters only. Their size must be proportional to the house. Awnings must be maintained in good repair without tears and fading.

EXTERIOR LIGHTING

Replacement of an existing exterior light fixture with an exact match to the old fixture does not require Architectural Review Committee approval. A change in the number, style, size, or color of exterior light fixtures will require Architectural Review Committee approval. All exterior lighting must be installed so as not to shine on a neighbor's Lot. Installation of security lighting or spotlights must be accomplished in a way that does not adversely affect neighboring Lots. Landscape lighting for walks and gardens does not require Architectural Review Committee approval but must be of an intensity which will not adversely affect neighboring Lots.

FENCES

All fences (including air conditioning and garbage fences) must be allowed to weather naturally, treated with clear or natural preservative. Only cedar stain conforming to paint numbers SC-533 (Behr), SW 3511 (Sherwin Williams), TH.041851-16 (Thompsons WaterSeal), TH.042851-16 (Thompsons WaterSeal), or TH.043851-16 (Thompsons WaterSeal) are acceptable. All fences shall be maintained in a neat and orderly manner.. Other color stains are not permitted. Fences shall not be painted.

Fences can easily create an unattractive patchwork appearance. Therefore, all new fencing, or modification to existing fencing, requires Architectural Review Committee approval. The fence style shall be selected from the Committee-approved fences, unless otherwise approved by the Committee. Pictures of pre-approved fencing styles are attached at the end of this document, and any proposed fence must resemble the pictures (i.e. arches must go between each post) unless specifically approved by the Committee.

1. All fences and enclosures must be reviewed as to location, material, and design.
2. Fences should start no more than 1/2 the distance from the back corner of the Building, with the following limitations:
 - A. A fence may come forward to enclose a service door but may not extend more than 4 feet past the door and may not traverse the driveway.
 - B. Final distance is subject to Committee approval to allow for the topography of the Owner's Lot and/or location of utility meters.
3. All fences shall have gate with a minimum 36-inch width.
4. No fence shall exceed six (6) feet in height.
5. So far as is feasible, fences should be built with 4x4 posts and 2x4 rails.
6. Repairs to original or Architectural Review Committee-approved fences do not require prior approval if done with materials identical to those of the existing fence. Damaged fences must be repaired within thirty (30) days of damage.
7. James City County's regulations and ordinances must be observed.
8. Fences must be aesthetically pleasing to the neighborhood, thus stringers and posts must be on the inside of the fence.
9. No stringers or posts may be placed on the outside of the fence.
10. Screens for air conditioners, garbage cans, and recycling cans do not require Committee approval so long as they match the style of a pre-approved fence design contained at the end of this document. The screen must match the style of any fence installed on the Lot.
11. It is recommended that concurrence be obtained from neighbors when butting up to an existing fence.

12. Fencing shall be contained wholly within the Owner's Lot.
13. Composite fencing shall be equivalent to Fiberon Weathered Pine or Coastal Cedar in color. Since all manufactures may have slightly different shades, slight differences are acceptable so long as they are similar. Redwood composite fencing is specifically prohibited.
14. Fencing based on a pre-approved design, but modified to coordinate with the style of the house, shall be considered on a case by case basis.
15. Additional Allotments for Lots within the Windsor Ridge section of the Property:
 - A. The substitution of almond fencing (or equivalent) matching the trim of the house shall be considered acceptable in the place of white vinyl fencing.
 - B. Black wrought aluminum fencing, matching the safety rails around the basement walkout, shall be considered for approval on a case by case basis. The following restrictions shall apply:
 1. Fencing **shall** not be constructed from wrought iron.
 2. Approval of this fencing shall be contingent on the basement access being located on the side of the house.

DECKS:

All proposed decks and deck additions must be approved in advance by the Committee. JCC permits are required when applicable. Homeowners shall comply with the following for a proposed deck.

Location:

A deck shall be located in the rear yard. Specific locations will be evaluated individually.

Scale:

The scale of all decks and additions shall be compatible with the scale of the house as cited on the Lot. Decks, particularly elevated decks, shall be on a scale and style that are compatible with the home to which they are attached, adjacent homes, and the environmental surroundings. In order to be aesthetically pleasing, the design must be consistent with the existing shape, style, and size of dwelling.

Color and design:

Decks must be made from wood or wood-like materials (e.g., Trex decking, vinyl, or equivalent) and shall be left to age and weather naturally. Decks that are painted or stained shall generally match the trim or dominant color of the applicant's house.

Storage Under Decks:

The use of decorative screening or landscaping to minimize any adverse visual impact on neighboring homes from storage under an elevated deck shall be required.

Maintenance and Repair:

All maintenance and repair of the added structures is the sole responsibility of the Owner. Decks that require repair, repainting, or re-staining must comply with current Architectural Guidelines.

DOCKS:

Docks on Lake Nice, both floating and permanent, are not permitted.

GAZEBOS/PERGOLAS

Gazebos/Pergolas must be aesthetically pleasing to the Property and require Architectural Review Committee approval for location, material, and design. Applications should include a sketch/picture of the proposed structure, as well as a drawing showing its proposed placement, dimensions, roofline, color, and materials to be used. The structure must be placed behind the rear house line spanning the width of the Lot; it must be proportionate with the scale of the home as sited on the Lot; and, the height of it must not exceed one story. It must be placed at least five feet from the Lot lines; however, the Architecture Review Committee, at its discretion, may require a greater setback depending on the orientation of neighboring Lots. Gazebos/pergolas must be anchored to the ground, and are not to be used for storage.

GUTTERS AND DOWNSPOUTS

Gutters and downspouts must be kept in good condition. When replacing existing gutters and/or downspouts with like materials, no approval is required. Any gutter guards must be of the same color. An application must be submitted to the Architectural Review Committee for any changes to the location, color, style (or if an Owner adds a new gutter system) from the one installed at the time the Owner acquired the Lot.

BOATS, TRAILERS, TRUCKS, AND RECREATIONAL VEHICLESTrailers and Trucks

Pull behind trailers are **NOT** allowed to be parked in the driveways or yards or Lots, or on the Common Area.

Trucks or trailers must be parked in a garage with the garage door closed. Vehicles parked in violation are subject to tow at the Owner's expense. Trucks one (1) ton and smaller are not considered trucks for this regulation. Commercial trucks with ladder racks, and/or tool boxes shall not be permitted unless hidden from view. No more than 1 vehicle with commercial signage will be allowed per Lot.

Recreational Vehicles

A Recreational Vehicle is defined as a motor vehicle with living space and amenities such as found in a home. Parking of Recreational Vehicles (RVs) on streets overnight is prohibited. Recreational vehicles owned by homeowners may be parked in driveway for a period no longer than 24 hours before or after a trip for preparation and cleaning. Out of town guests may park RV's on driveway for a period not to exceed seven (7) days, and the Association Management must be notified at least 14 days in advance of the out of town guest's arrival. Recreational vehicles shall not be stored in the residential area. Owners who currently have RV's and trailers that are not visible from the road and/or intrusive to neighbors will be permitted (resident on or before 6/6/05). Once the home is sold, the new owner will not be permitted to store such items at the residence.

Boats and Water Craft

Parking of boats on the streets or driveways overnight is prohibited. These must be parked wholly in a garage in such a manner that the garage door may be shut; provided, however, that boats may be parked in an Owner's driveway for a period of no longer than 2 hours before a trip and 2 hours after a trip, for loading and unloading. Special waivers for boats small enough to fit in a closed garage, canoes, kayaks, etc. may be obtained from the Architectural Review Committee if the boat will be stored in an area not visible from a neighbor's Lot.

Only those Owners (if any) who owned a Lot on or before June 6, 2005, and who currently have a boat no longer than 23 feet, may continue to maintain them on their Lot as long as the boats: (1) are kept in the rear or on a side of the home, and (2) are kept on a gravel or JCC-approved pad that is concealed behind a privacy fence.

SHEDS AND TOOL STORAGE

A shed or other storage structure requires Architectural Review Committee approval and must follow rules specified below and in the building modification section. Applications should include a drawing showing the structure's proposed placement, dimensions, roofline, color, and materials used. A sketch of the structure is needed. James City County rules and ordinances must be met.

1. A storage unit may be on a concrete pad or on 4x4 skids but must be securely anchored to the ground at each corner.
2. The siding material (beaded vinyl siding), trim, and roof should be similar to the main dwelling in color, style and texture.
3. Windows and doors must be approximately identical to the main dwelling in color and style.
4. Structure height of the building must not exceed 1 story.
5. It must be wholly within the back yard. A special waiver from the Committee is required if the storage unit cannot meet this requirement.
6. Metal buildings are not durable and present a rust and appearance problem and will not be approved.

SIGNS

No sign shall be placed on any property except one (1) of not more than six (6) square feet and not more than four (4) feet high, advertising the Lot for sale or for rent. The sign must be approved by submitting a design or photo of the same stating the proposed size, color, location, and mounting system, to the Association, prior to installation. One sign no more than six (6) square feet and no more than four (4) feet high identifying the contractor making repairs may be placed temporarily on the Lot while work is being done or for a period of five (5) days, whichever is shorter.

A small sign indicating alarm protection may be placed in the foundation plantings next to the front door.

No more than four (4) small political campaign signs of no greater than 24" by 24" are permitted, and then only 30 days prior to local, state, or national elections. They are to be removed from the Property within fourteen (14) days after election day.

SOLAR COLLECTORS

Solar collectors are allowed; however the exact location and style are subject to Committee approval. As a general rule, they should be aesthetically pleasing when seen from the street or adjacent Lots or the Common Area.

SOLICITING

Businesses are not allowed to solicit on the Property. Non-profit community organizations such as churches, Scouts, schools etc., are permitted; provided, however, that they must comply with all provisions contained herein and in the Declaration.

STATUES, FOUNTAINS, AND YARD ORNAMENTS

Except for seasonal decorations, any statue, fountain, or ornament (including, but not limited to, birdbaths, artificial lawn people, and other yard ornaments) may not exceed six (6) in number. This does not apply to such items located in fenced rear yards or rear yards not visible from other Lots or the Common Area.

STORM DOORS

Any storm doors on the front door must be metal "full view", single pane glass. The color of the frame of the storm door must match the existing trim to which it is attached, the front door, or the shutters. Any other color or design requires Architectural Review Committee approval.

SWIMMING POOLS

Above ground swimming pools are not allowed under any circumstances. In ground pools and outdoor hot tubs and spas require Architectural Review Committee approval. Inflatable or plastic children's wading pools are permitted within the rear yard but must be removed and properly stored after the pool season. Children's pools may only be placed in front or side yards for periods not exceeding four (4) hours.

VIEW FROM NEIGHBORING PROPERTIES

Any visible dilapidated structures (such as fences, decks, sheds, patios, etc.), debris and other objects that affect the well-being of the community or constitute an eye-sore from other neighboring Lots or the Common Area, will not be permitted.

APPROVED MATERIALS AND COLORS (Shutters, Doors, etc)

Repairs to existing dwellings must be made using the same material as the original. Changes to existing dwellings that are not made using the same material, color, and style as the original require Committee approval.

Colors

- Changes to siding or garage door style or colors must be approved by the Committee.
- All shutters on a dwelling must be of the same color.

Changing shutter and pedestrian door colors to another approved color does not require the approval of the Committee. Any color other than the approved colors listed below is not permitted.

Approved colors can be found at the Sherwin Williams (formerly Duron Paints) store at [6520 Richmond Road Williamsburg, VA 23188 \(on Rt. 60 near NY Deli\)](#) (757) 565-3940. The Association has an account at this location to assist with color selection.

<p>Approved colors for Wellington Estates (Sections 1 – 5) are part of the Mid-American Shutter Sample collection and consist of:</p> <ul style="list-style-type: none"> • Bordeaux - 167 • Wineberry - 078 • Midnight Blue - 166 • Midnight Green - 122 • Classic Blue - 036 • Forest Green - 028 • Black - 002 • Federal Brown - 009 • Tuxedo Gray - 018 • White - 001 	<p>Approved colors for Windsor Ridge (Sections 6 – 7) are part of the PlyGem Richwood shutter collection and consist of:</p> <ul style="list-style-type: none"> • Red - 38 • Farm House Red - 550 • Winestone - 58 • Dark Navy - 95 • Blackwatch Green - 99 • Spanish Moss - 93 • Black - 002 • Brown - 59 • Gray - 16
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Article Eight, Section Two of the Declaration states:

Section Two. Conformity of Maintenance, Style and Materials. All repairs, painting, replacements and maintenance, whether made by Owners or the Association, to the doors, windows, fences, gates or the exterior surface of any building, including roofs, or to any generally visible portion of the Common Area, shall be carried out in such a manner so as to conform to the materials, architecture, style, color and quality of construction initially provided by the Declarant.

NEW CONSTRUCTION

Construction of new homes on Lots within Wellington must meet the Architectural Guidelines set forth herein. All homes must have attached garages with a minimum size for 2 cars. All plans for the home must be submitted to, reviewed, and approved by the Architecture Committee before construction begins.

ARCHITECTURAL REVIEW COMMITTEE GUIDELINES

BUILDING MODIFICATIONS

A complete application is required, including drawings of the proposed modification.

1. Major building or property additions include, but are not limited to, sun rooms, porches, room additions, patios, and decks. In order to be aesthetically pleasing, the design must be consistent with the existing shape, style, and size of dwelling in the following way:

- a. Siding, roofing, and trim materials must be the same as existing materials of the dwelling in color and texture.
- b. New windows and doors must be compatible with the existing dwelling in color and style.
- c. Roof eaves and fascias must be the same depth, style, and approximate slope as those existing on the dwelling. Building facades may be comprised of brick and/or vinyl siding, except screened porches.
- d. All applicable JCC building permits are required and all regulations and ordinances must be observed.

2. The following conditions shall determine acceptable addition locations:

- a. Additions should not significantly impair the view, amount of sunlight, or ventilation of adjacent Lots or the Common Area.
- b. Additions must not adversely affect drainage conditions on adjacent Lots or the Common Area, through change in grade or other significant run-off conditions.

3. It is essential that before any digging, an applicant must call MISS UTILITY to mark utility lines.

ARCHITECTURAL REVIEW COMMITTEE AUTHORITY AND PROCESS

COMPOSITION OF THE ARCHITECTURAL REVIEW COMMITTEE

The Architectural Review Committee consists of three regular and two alternate members. A member is not required to be an architect. The term of each member of the Architectural Review Committee shall be for a period of one (1) year and until the appointment of his or her successor. The right to appoint and remove members of the committee at any time shall be vested solely in the Association's Board of Directors provided, however, that no member may be removed without consent of the majority of the entire Board of Directors.

DUTIES

It shall be the duty of the Architectural Review Committee to consider and act upon any and all proposals or plans submitted to it. It may promulgate rules and forms to be used when submitting plans for consideration. It shall further be the duty of the Architectural Review Committee to enforce the provisions of the Declaration pertaining to the exterior appearance of properties, changes in use, and modifications or alterations of said properties. The Architectural Review Committee may, from time to time, recommend clarifications of rules to the Board of Directors intended to facilitate carrying out their duties.

APPLYING FOR APPROVAL

1. Homeowner obtains application form from the Architectural Review Committee.
2. Homeowner returns completed application and supporting documents to the Architectural Review Committee.
3. Committee checks the application for completeness, advises homeowner of additional requirements, if needed, and begins approval process.
4. The Architectural Review Committee will act on each application within thirty (30) days of receipt of the completed application. The homeowner will receive a copy of the application with notice of approval, approval with conditions, or disapproval indicating the reasons for such disapproval. The original application will be retained in the Association's records. If the applicant has not heard within thirty (30) days after submission, the applicant may notify the committee in writing by certified mail, return receipt requested. The plans shall be deemed approved if not acted upon by the Architectural Review Committee within thirty (30) days from receipt of the initial letter.

WHAT MAKES AN APPLICATION COMPLETE?

An application is complete when it provides the Architectural Review Committee with all the information needed to realistically determine the over-all effect of the project on the community.

All questions on the application must be answered. In addition, the Owner should submit supporting documents. Examples of supporting documents are:

- Drawing of the project, including measurements and distance to existing objects, including Lot lines and main structure
- Description of materials and colors
- Picture of similar structures
- Contractor's proposal (cost may be left off)
- Statement of unusual circumstances in support of request

This list is not an exhaustive, but illustrates the type of documents which help the Architectural Review Committee review applications.

WHAT THE ARCHITECTURAL REVIEW COMMITTEE WILL DO

The Architectural Review Committee will meet and review the application. In most cases, a personal contact will be made with the Owner to review the plan on site. The Architectural Review Committee will then consider the application and render a decision: approval, approval with conditions, or disapproval. This decision will be conveyed to the Owner in writing from the Chair of the Architectural Review Committee. If disapproved, the applicant will be invited to discuss the reasons.

WHAT TO DO IF THE APPLICATION IS DISAPPROVED

If an application is disapproved, the Owner has the right to appeal the decision to the Association's Board of Directors. The Owner should contact the Board or management company for the procedures to file an appeal. Before filing, however, the Owner should first consider why the application was disapproved. If the Architectural Review Committee recommended changes acceptable to the Owner, an amended application indicating the changes that will be made should be submitted. If disapproval was for incomplete information, the Owner should resubmit the application with the required information. The decision of the Association's Board of Directors is final.

WHAT IF HOMEOWNER DOES NOT WAIT FOR APPROVAL?

If Owners begin alterations without first obtaining written approval of plans, they do so at their own risk. If they fail to submit an application or if the application is denied or modified, they will be responsible for the cost of removing or altering the exterior change, plus all of the Association's attorney's fees and costs in any litigation.

SEPARATION OF APPROVALS OR DENIALS

It should be noted that approval of an application for one Owner does not mean an automatic approval for another Owner. Special circumstances regarding one Lot or Building may allow the approval of the application that might be denied regarding a different Lot or Building, or the denial of one that might be approved regarding a different Lot or Building. Every effort will be made to consider each Owner's application as unique to the particular Lot. It will be reviewed relative to the Declaration, Rules, and Architectural Guidelines. Particular consideration will be given to the over-all effect the modification or alteration will have on the aesthetic appearance of the entire community.

ENFORCEMENT OF GOVERNING DOCUMENTS

Enforcement is the responsibility of every Owner. If an exterior modification is being made without approval or if there is a maintenance problem, notify the Association's Board of Directors to report the violation. When complaints are received they will be kept confidential (to the extent possible) and reviewed promptly. If a non-emergency violation is verified, the violator will be contacted and asked to correct the problem, either by removal, submission of an application, or repair in the case of a maintenance problem.

If correction is not made, legal action, authorized by the Board of Directors, will be pursued and the Association will seek the recovery of all attorney's fees and costs..



ARCHITECTURAL MODIFICATION APPLICATION

Please submit, in duplicate, the completed form and all documentation. One copy reflecting action taken by the Architectural Review Committee will be returned to you for your records. All Owners must sign this application.

Modifications may not commence prior to receiving approval of the Architectural Review Committee.

(please print clearly)

NAME OF OWNER(S): _____ DATE: ___ / ___ / ___

WELLINGTON HOME ADDRESS: _____

TELEPHONE NUMBERS(S): (H) _____ (C) _____

EMAIL: _____

START DATE OF MODIFICATION: ___ / ___ / ___ EXPECTED COMPLETION DATE: ___ / ___ / ___

WORK WILL BE DONE BY: HOMEOWNER CONTRACTOR

IS THIS AN APPLICATION FOR A MODIFICATION RELATING TO A DISABILITY? Y N

Owner's Acknowledgement: In accordance with the Declaration of Covenants, Conditions, and Restrictions of Wellington Estates (as amended, supplemented, modified, and/or restated) covering the property above, I/we hereby apply for written consent to make the following modification(s) or additions(s).

DESCRIPTION OF MODIFICATION REQUESTED:

- Please attach a diagram of the proposed modification(s) showing exact location on Lot as well as a description of all exterior materials to be used, including colors and measurements. A surveyor's plat copy should also be included.
- Material contained herein will represent alterations that comply with zoning and building codes of James City County (JCC) to which the above Lot is subject. Further, nothing contained herein will be construed as a waiver or modification of such ordinances. The Owner is responsible for obtaining the necessary permits prior to the commencement of construction.
- No work will commence until the Owner has received written approval from the Architectural Review Committee.
- Any construction or exterior alteration before approval of this application is not allowed, and if any construction or alterations are made nonetheless, I/we agreed that I/we will be required to pay the Association all legal fees and costs incurred in connection therewith.
- Approval is contingent upon all work being completed in a professional manner and any alteration or modification that is not finished in such a manner and in accordance with the approval granted may be

required to be removed or repaired at the Owner's risk and expense, including any legal fees required to enforce this acknowledgment.

- Members of the Architectural Review Committee or the Board of Directors may make routine inspections. Approval of any application by the Architectural Review Committee or the Board of Directors, is solely for the purpose of permitting the Owner to construct or modify such, and is in no way a warranty or consent, or any sort of advice about the safety or fitness for any particular purpose of any proposed alteration or modification.
- This request is subject to restrictions by the Declaration and a review process as established by the Committee.
- Any variation from the original application must be resubmitted for approval. A copy of this request will be returned to me/us with the Committee's determination.
- I/We acknowledge that I/we will be solely liable for any claims, including without limitation, claims for property damage or personal injury (including death) which result from the requested addition or modification, and, to that end, I/we hereby waive, release, and forever discharge the Architectural Review Committee, and the Association and its directors, officers, and agents from any liability relating to such. I/We hereby indemnify, defend, and hold harmless the Architectural Review Committee, and the Association and its directors, officers, and agents from and against any and all claims, causes of action, demands, and suits arising from or relating to the requested addition or modification. Moreover I/we accept responsibility for all maintenance, repair and upkeep of such addition or modification.

SIGNATURE OF OWNER

SIGNATURE OF OWNER

NEIGHBOR ACKNOWLEDGEMENT

NEIGHBOR ACKNOWLEDGEMENT

*****NEIGHBOR ACKNOWLEDGEMENT REQUIRED ONLY WHEN PLANNING TO TIE A NEW FENCE INTO AN EXISTING FENCE OWNED BY A NEIGHBOR.**

NUMBER OF ATTACHMENTS: _____

DATE APPLICATION RECEIVED: ____/____/____

Action by the Architectural Review Committee:

APPROVAL TO START PROJECT AS SUBMITTED

APPROVAL TO START PROJECT – SUBJECT TO THE FOLLOWING CONDITIONS:

APPLICATION DISAPPROVED FOR THE FOLLOWING REASONS:

Date homeowner(s) notified of the Architectural Review Committee's decision: ____/____/____

SIGNATURE(s): Reviewers: _____

Homeowner: _____

ONLINE BEST COPY AVAILABLE
ADDRESS: 8072 Fairway Ln
Order Date: 12-29-2011
Document not for resale
HomeWise.org

DATE OF ON-SITE COMPLETED PROJECT REVIEW: ____ / ____ / ____

PROJECT MEETS ALL ARCHITECTURAL REQUIREMENTS AND IS APPROVED

PROJECT DOES NOT MEET ARCHITECTURAL REQUIREMENTS FOR THESE REASONS:

(This action starts off the **Review of Infraction/Modification Remediation Form** process)

SIGNATURE(s): Reviewers: _____

Homeowner: _____



REVIEW OF INFRACTION/MODIFICATION REMEDIATION

An on-site review of the completed architectural modification application or Lot did not meet all architectural requirements. This form is to show each action taken in assisting the Owner in making remedial efforts so as to meet those requirements set forth in the Declaration, Rules, and Architectural Guidelines..

REMEDICATION IS FOR: INFRACTION MODIFICATION APPLICATION REQUEST

DATE OF INFRACTION NOTIFICATION OR ON-SITE COMPLETED PROJECT REVIEW: ___/___/___

FIRST REMEDIATION REVIEW

DATE OF ON-SITE FIRST REMEDIATION REVIEW: ___/___/___

REMEDIATION MEETS ALL ARCHITECTURAL REQUIREMENTS AND IS APPROVED

REMEDIATION DOES NOT MEET ARCHITECTURAL REQUIREMENTS FOR THESE REASONS:

SIGNATURE(s) Reviewer: _____ Homeowner: _____

SECOND REMEDIATION REVIEW

DATE OF ON-SITE SECOND REMEDIATION REVIEW: ___/___/___

REMEDIATION MEETS ALL ARCHITECTURAL REQUIREMENTS AND IS APPROVED

REMEDIATION DOES NOT MEET ARCHITECTURAL REQUIREMENTS FOR THESE REASONS:

SIGNATURE(s) Reviewer: _____ Homeowner: _____

THIRD REMEDIATION REVIEW

DATE OF ON-SITE REMEDIATION REVIEW: ___/___/___

REMEDIATION MEETS ALL ARCHITECTURAL REQUIREMENTS AND IS APPROVED

REMEDIATION DOES NOT MEET ARCHITECTURAL REQUIREMENTS FOR THESE REASONS:

SIGNATURE(s) Reviewer: _____ Homeowner: _____

Order 5877540LL
ADDRESS: 81172 FAIRMOUNT DR
Order Date: 12-29-2018
Order Status: not for the bill
PAYMENT INFO

ARCHITECTURE GUIDELINES (LAST UPDATED FEBRUARY 13, 2009)

All homes constructed in Wellington Subdivision shall be reviewed by the Architectural Review Committee on a "case by case basis", with the understanding that they shall comply with the following guidelines:

1. Raised brick crawl space foundation
2. Architectural shingles
3. Exterior siding shall be one of the following:
 - a. All brick front with two-foot returns and coins or jack arches
 - b. All combination of brick and vinyl (board and bead)
 - c. All brick
 - d. All vinyl (board and bead)
4. Minimum size of homes:
 - a. Ranchers shall be 1800 square feet minimum living space
 - b. Two story shall be 2300 square feet minimum living space
5. Driveways and walkways should be exposed aggregate where curb and gutter are exposed aggregate or as approved by the Architecture Review Committee
6. All chimneys shall be placed discretely in order to have minimum aesthetic impact from the curb
7. All steps shall be of brick construction matching the foundation
8. All mailboxes shall be of standard design approved by the Architecture Review Committee
9. Fencing should be limited in height and will not be permitted in the front of the rear corners of each dwelling except that fences shall be permitted to be to the front of personnel garage doors. All fence requests must be approved by the Architectural Review Committee prior to installation.
10. Detached sheds, buildings, or garages must be of the same style of architecture as the house and must be approved by the Architectural Review Committee prior to installation.
11. Each builder shall be responsible for planting street trees not more than 60 feet apart beginning and ending at 30 feet from each property line. The trees shall be of a native deciduous species and shall have a minimum caliper of one inch at four feet above ground level.
12. Water conservation measures shall be in accordance with Section 1(F) of the restrictive covenants encumbering the Property, which were recorded as Instrument No. 000005624 in the Clerk's Office of the Williamsburg – James City County Circuit Court.

APPROVED MAILBOXES

Mailboxes (including both the post and box) that were installed at the time of house construction are the original approved mailbox. In the event that the original approved mailbox is changed, it must adhere to the following rules:

- All mailboxes must be standard size mailboxes (19Lx16.5Wx8.5H or 23.5Lx11.5Wx13.50H) in either white or almond in color.
- Post must contain a newspaper box and must be painted the same color as the mailbox.
- House numbers must be displayed on the mailbox or mailbox post.
- Mailboxes/posts must be chosen from the following selections:
 1. An American Eastern Mailbox as shown in Figure 1 and painted Almond in color. (The Homeowner is responsible for having the mailbox built.)



2. Available from Lowes and Home Depot, the following Mailbox Post and Mailbox as shown in Figures 2 and 3:
 - a. Mayne Dover Mailbox Post in White or Clay.
 - b. A White or Clay Colored Mailbox that matches the post (i.e. white box on white post).



2 – Dover Mailbox Post (white or clay)



Figure 3 – Mailbox (white or clay)

3. Available from Mailboxes and Beyond, the following Mailbox Post and Mailbox as shown in Figures 4 and 5 below:
- a. Mayne Liberty Mailbox Post in White or Clay.
 - b. A White or Clay Colored Matching Mailbox (white mailboxes on white post, Clay mailbox on Clay post).



Figure 4 – Liberty Mailbox Post (white or clay)



Figure 5 – WhiteHall Metal Mailbox (White or Bronze)

APPROVED FENCES

6 Foot White Vinyl Fence



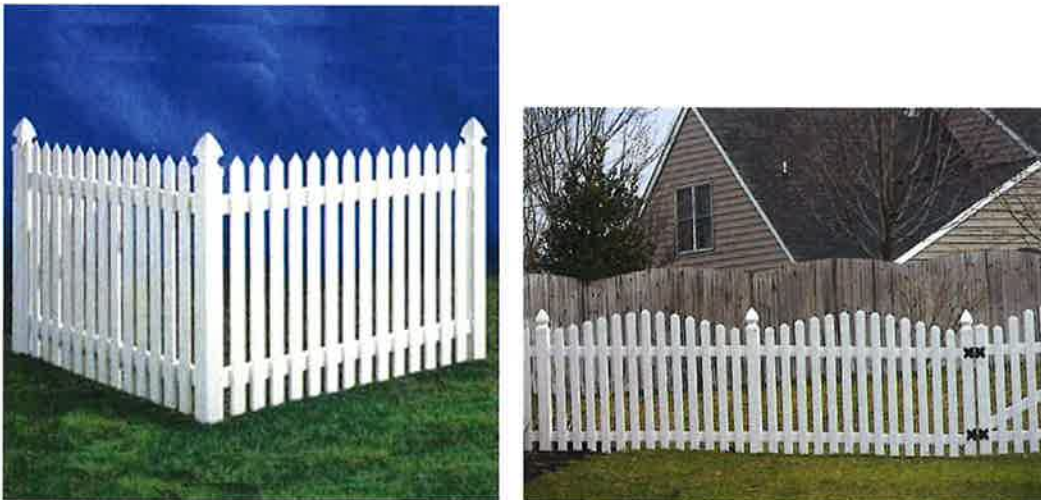
6 Foot Wood Fence



4 Foot Wood Fences



4 Foot White Vinyl Fences



Composite Fences:

- Allowable Colors:



Weathered Pine



Coastal Cedar

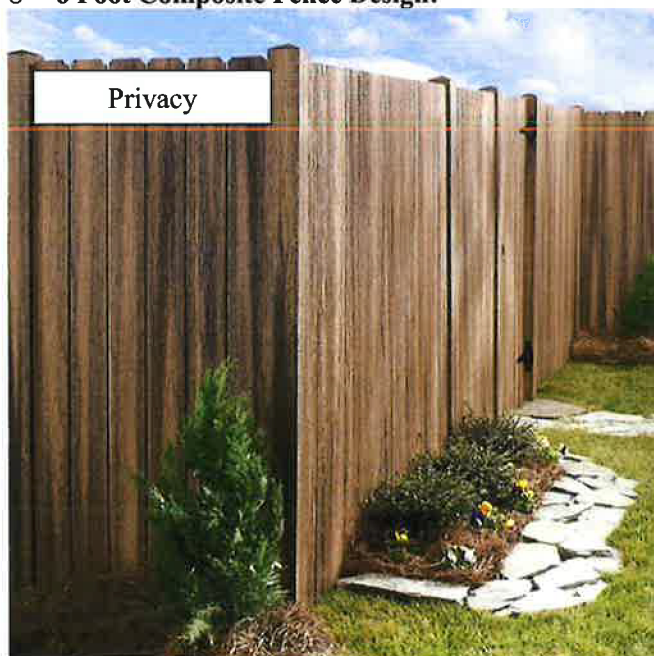


- **Allowable Designs:**

- **4 Foot Composite Fence Design:**



- **6 Foot Composite Fence Design:**



UPLOADED
5/4/2021