

Rules and Regulations
Westmoreland Homeowners Association Inc.

Order: 2RDLDMSJP
Address: 5000 Westmoreland Dr
Order Date: 10-14-2020
Document not for resale
HomeWiseflow.com

**Architectural Standards
Westmoreland Owners Association, Inc.**

1. INTRODUCTION.

- a. **AUTHORITY.** The Declaration and Bylaws grant authority to the Board of Directors to adopt, implement, and enforce Architectural Standards governing guidelines, standards, review fee, requirements and rules and regulations for the process and construction of improvements.
- b. **GOVERNING DOCUMENTS.** The Architectural Standards shall be considered with the Declaration, and all amendments or supplements, the Bylaws and the Articles of Incorporation (the "Governing Documents").

2. ARCHITECTURAL STANDARDS

- a. **PURPOSE OF ARCHITECTURAL STANDARDS.** Westmoreland was established as a single family community in James City County, Virginia. It was designed with an emphasis on design and construction excellence and the protection of the natural beauty of the land. The original Declaration set forth minimum standards to be followed when constructing a home in Westmoreland. The Association recently amended the Declaration and has established these Standards to continue the established principles related to the design of the community.
- b. **PRINCIPALS OF GOOD DESIGN.** The standards and criteria developed in these Standards are based on the original conditions in the Declaration, and the desire of the community to continue in requiring that all improvements be designed in styles, shapes, sizes, massing and colors appropriate to this community, and that all improvements meet minimum standards of design and material quality consistent with the level of quality established for the community.
- c. **THE ARCHITECTURAL REVIEW COMMITTEE.** The Declaration established an Architectural Review Committee ("ARC") to review and approve or disapprove of proposed plans for improvements. Although the Standards contain a listing of specific requirements to be followed, the very nature of design is an individualistic process. Consequently, the responsibility of the ARC to interpret the goals of the community and these Standards as they relate to each submittal. The ARC shall judge compliance with these Standards in questions of appearance, aesthetics, or infringement by design upon the rights of other residents. The ARC has the absolute and exclusive right to reject any proposal which is not desirable in its opinion for any reason, including purely aesthetic reasons. If any of these Standards conflict with the Governing Documents, the term or provision of the applicable Governing Document shall control.

- d. **APPLICATION REQUIRED.** Prior to commencing the construction, installation, erection, alteration, demolition, enlargement or removal of any improvement or part thereof, the Owner shall submit an application to the Association. Prior to such submission, the Owner should ensure that they have the most current Standards. The Owner's proposal, detailed drawings, and a detailed material list ("Owner's submittal") shall be submitted for review.
- e. **APPROVAL**
- i. The ARC shall have thirty (30) days from receipt of the Owner's submittal to approve or deny the request. Whether a Plan Application is "complete" shall be determined by the Board of Directors. Incomplete submittals will be denied. Owners will be notified by mail or electronic transmission. If the ARC fails to take action within thirty (30) days after the receipt of the Owner's submittal, the Owner shall notify the Board of Directors.
- ii. In the event the Plan Application and drawings submitted to the Board of Directors are disapproved, the Owner may request to meet with the Board of Directors at their regularly scheduled monthly meeting to review and discuss the Owner's submittal. The Owner may appeal the disapproval, in writing, to the Board of Directors. The written request must be received by the Board of Directors not more than thirty (30) days following the disapproval by the ARC.
- iii. The ARC shall have the authority to recommend to the Board of Directors that a reasonable variance or adjustment from the restrictions and requirements contained herein or in the Declaration be granted to an Owner in order to overcome practical difficulties and to prevent unnecessary hardships, provided such variance or adjustment will not be materially detrimental to neighboring Lots or defeat the general purpose of the requirements and restrictions. The Board of Directors, in its sole discretion, shall make the decision on granting the variance or adjustment and the decision of the Board of Directors shall be final.
- f. **COMPLIANCE WITH THE APPLICABLE LAWS, ORDINANCES AND CODES.** Approval of Improvements by the Association is for aesthetic purposes only. It is the Owner's responsibility to see that all federal, state and local ordinances and codes are followed. Permits may be required by James City County or other public agencies. Approval of any project by the Association does not waive the necessity of obtaining the required County permits. In turn, obtaining County permits does not waive the need for approval by the ARC prior to construction.
- g. **CONSTRUCTION TIME TABLE.** Construction must commence within sixty (60) days after approval by the ARC. All work should be completed within four months (4) months from the date of commencement of construction for minor projects, and

within twelve (12) months from the date of commencement of construction for major projects. If the scope of the project warrants more time, the Owner must contact the Association to obtain approval to extend the completion date.

3. CONSTRUCTION SITE.

- a. Contractors must place at the designated street entry to the lot, a sufficient amount of gravel on a firm, well drained sub-grade, to prevent mud and other debris from being tracked onto the street.
- b. Construction vehicles shall not be parked in any area other than on the building site or on the roadway bordering the site. Construction vehicles are not permitted to obstruct the traffic flow on any Westmoreland Street, nor are they permitted to be parked overnight on the street.

4. MINIMUM DESIGN REQUIREMENTS.

- a. Grading. The natural grade of the land shall be protected. If the Owner is proposing to disturb the natural grade of the land, the Owner's submittal shall specifically address this issue, including details on the change in grade, and the reasons such a change is necessary.
- b. Trees and Wooded Areas. No trees in excess of six inches in diameter at a point two feet above ground level shall be removed without prior approval of the ARC. Areas that are left in their natural wooded state shall be kept clear of fallen trees and branches and excess underbrush, and the area shall be so maintained.
- c. Siding. No plywood siding is permitted. Vinyl siding is permitted provide the style, type and color are submitted for approval by the ARC.
- d. Minimum sizes. The emphasis in Westmoreland is on design and construction excellence, rather than on size. However, the following minimum sizes are established, and any variance requires approval by the ARC.

(i) For homes with an attached garage for two or more cars:

- (a) One story homes shall have a minimum of 1,750 square feet of living space.
- (b) One and one half story homes shall have a minimum of 1,800 square feet of living space, with not less than 1,400 square feet on the first floor and not less than 400 square feet on the second floor.
- (c) Two story homes shall have a minimum of 1,800 square feet of living space, with a minimum of 900 square feet on each floor.

(ii) For homes without an attached garage:

- (a) One story homes shall have a minimum of 2,050 square feet of living space.
- (b) One and one half story homes shall have a minimum of 2,100 square feet of living space, with not less than 1,500 square feet on the first floor and not less than 600 square feet on the second floor.
- (c) Two story homes shall have a minimum of 2,100 square feet of living space, with a minimum of 1050 square feet on each floor.

“Living space” is defined as the heated areas of the home, excluding basements, porches, decks, breezeways, and garages.

- e. **Foundation.** All homes must have a crawl space on a masonry foundation with brick veneer or stone used for the exterior facing material, unless an alternative facing material such as stucco is approved by the ARC. Slab type homes are not permitted unless the Owner is able to show that the topography and drainage prevents a crawl space from being used.
- f. **Porches and entrances.** All porches and entrances to homes shall be brick masonry, unless a rear deck is used.
- g. **Architectural Styles.** A variety of architectural styles are desired in Westmoreland. Single story, two story and split level are all permitted. Where the land elevation and topography supports the construction of a basement it will be permitted after review and approval by the ARC. Period designs must strive for authenticity and the final decision to approve such designs is with the ARC. Contemporary designs are permitted if they blend with the elevation and topography of the land and the final decision is with the ARC. The blending of contrasting architectures shall be facilitated by the use of “earth tone” colors and materials. Bright and strident colors are discouraged and the final decision as to the use of any such color schemes is made by the ARC. Closely similar designs must be sufficiently separated so as not to call attention to the similarity. No more than two (2) homes using vinyl siding as a facing material on the front elevation may be placed on consecutive adjacent lots in the subdivision. Brick veneer as an exterior facing material is encouraged, and consecutive adjacent lots shall use different color shades of brick. The ARC shall have the final decision when determining the proximity of closely similar designs.
- h. **Garages.** Garages are not required, however, if built unattached, the approval of the ARC is required. Carports are permitted if it does not extend beyond the front line of the home.
- i. **Style of Outbuildings and Detached Garages.** All outbuildings, sheds, detached

garages or similar structures, shall be in the architectural style of the home on the Lot, using construction, colors and materials that are complementary to the home. Outbuildings, sheds and similar structures shall require an "A" shaped roof with a minimum of 5/12" pitch. All outbuildings, sheds, detached garages or similar structures shall be located inside the setback lines and shall have a minimum square footage of 96 square feet.

- j. Driveways. All driveways, or any extensions or additions thereto, including any parking area or parking pad, shall extend to the street, and shall be constructed of exposed aggregate, black asphalt, brick or interlocking paving blocks.
- k. Roofs. Roofing materials exposed to view or on slopes shall be of a permanent quality, such as wood shingles or shakes, slate, cement-asbestos, fiberglass, asphalt shingles of approved color and grade, or other suitable roof material as approved by the ARC. Architectural type metal roofs may be permitted upon the approval of the ARC. Metal roofs shall be painted or detailed as required or approved by the ARC. All plumbing vents, fans, and other necessary roof equipment must be on the rear slope of the home otherwise screened from view of the street.
- l. HVAC Units. Window air conditions are not permitted. All HVAC units shall be screened from view as approved by the ARC.
- m. Lighting. Flood lighting and security lighting shall be permitted, but shall not be directed so as to illuminate the interior of adjacent dwellings or structures located on neighboring lots.
- n. Walls. Free standing brick walls should reflect the detailing, color and character of the home constructed on the Lot. Concrete block walls are not permitted, unless located in an area not readily visible and if approved by the ARC.
- o. Exterior. No exposed bright metal is permitted (flashing, screens, windows), with the exception of copper roofing or flashing.
- p. Chimney. All exposed chimney structures must have brick veneer foundation up to the elevation of the house siding. Chimneys will be constructed of brick except for special architectural reasons and then only if approved by the ARC.

5. ENFORCEMENT.

- a. These Architectural Standards are enforceable in accordance with the Amended and Restated Declaration of Conditions, Covenants and Restrictions for Westmoreland (the "Declaration").
- b. All Owners are bound by these Architectural Standards as set forth in the Declaration.

Westmoreland Homeowners' Association - Architectural Review Committee
Application for Existing Home Modification or Addition

Please check off the section that best describes your modification or addition and provide the information and documentation indicated along with the Homeowner and Contractor Information (if applicable) on the next page. Application and supporting documentation may be submitted electronically. Please allow 30 days for approval processing. Questions? Contact westmorelandoa@gmail.com.

Tree removal

Trees less than 6 inches in diameter measured at 2 feet above the ground do not need permission for removal.

- Please include a copy of the plat (survey) of your property indicating the location of the tree(s).
- Reason for request: _____

Fence construction

Fences are not permitted in front of the front plane of the residence and shall be no higher than 4' along that plane. Otherwise, fences shall be no higher than 6'. Chain-link fences are only acceptable for dog-runs that are not visible from the road.

- Please include a copy of the plat (survey) of your property indicating the perimeter of the fence. If any trees will need to be removed, please indicate their location on the plat as well.
- Fence material and color _____
- Height of fence _____ (If height varies, please indicate heights of different sections on the plat.)

Shed or Outbuilding Construction or Modification

- Please include a copy of the plat (survey) of your property indicating where the shed or outbuilding is to be located. If any trees will need to be removed, please indicate their location on the plat as well.
- Please provide a sketch (or image) of the shed/outbuilding, indicating the size and a description of the materials to be used.
- Reason for request: _____

Driveway, patio or walkway construction or modification

- Please include a copy of the plat (survey) of your property indicating location of the construction or modification. If any trees will need to be removed, please indicate their location on the plat as well.
- Please provide a description of the materials to be used.
- Reason for request: _____

Home addition or modification, including decks

- Please include a copy of the plat (survey) of your property indicating where the addition is to be located ("footprint"). If any trees will need to be removed, please indicate their location on the plat as well.
- Please provide floor plan and exterior elevations, to scale.
- Please indicate the finishing materials to be used (e.g. brick, siding, type of windows, etc.)
- Reason for request: _____

Homeowner Information and Contractor Information

Date of submission: _____

Start date of planned modification/construction: _____ End date: _____

Homeowner Information

Homeowner: _____

Street Address: _____

Telephone Number: _____ Email address: _____

Contractor Information (if applicable)

Contractor: _____

Street Address: _____

Telephone Number: _____ Email address: _____

VA Contractor's License #: _____

I, _____, as the owner of the above listed property, and
_____ as Contractor acknowledge that the improvements will be constructed in
accordance with plans and specifications which have been approved by the Westmoreland Owners' Association
Architectural Review Committee (WOA-ARC). We further acknowledge and agree that:

1. We have read and understand the Westmoreland Bylaws, Covenants & Restrictions, and Architectural Standards* and will follow the said covenants, restrictions and design standards.
2. We will maintain a clean construction site and erosion control devices at all times.
3. We are responsible for completing the project in a timely manner and as described by the drawings and specifications approved by the Architectural Review Committee.
4. It is the Owner/Contractor's responsibility to see that all federal, state and local ordinances and codes are followed and to apply for the required permits. WOA-ARC approval does not waive the necessity of obtaining governmental permits, nor does a permit negate the need for or guarantee WOA-ARC approval.

Homeowner's Signature

Contractor's Signature

Date

Date

* These documents are available at http://www.westmorelandowners.com/Bylaws_Restrictions.html.

Submit completed application with supporting documents by mail to
Berkeley Realty Management, 150 Strawberry Plains Rd, Williamsburg, VA 23188
or electronically to westmorelandoa@gmail.com.

**TRASH SERVICE PROGRAM
WESTMORELAND OWNERS ASSOCIATION**

Who is eligible? All **owners** of the community are eligible to subscribe to this program. The carrier for this program will be Bay Disposal. If you are using a different carrier you will have to make arrangements to cancel your present service. If you are using Bay Disposal now, you will be eligible to sign up for the new rate and there will be no interruption in service.

Owners who rent their homes can participate in the trash program however all costs regarding the trash **must be billed to the unit owner and not the tenant.**

What do I have to do? Just remember to have your totter curbside before 7:00am each Wednesday morning. Totters should be removed off the curb by 7:00pm each evening.

What is the cost and how will I be billed? At this time, services for 2017 costs \$43.50/quarter. You must send a check in the amount of \$43.50 with your application to pay fees for the current quarter. You will be billed for services for the remainder of the year about thirty (30) days advance of the 1st day of each quarter (January, April, July & October).

How do I get a new trash container {toter}? If you are currently a subscriber to Bay Disposal uses you will continue to use your existing trash container, please note this on your application. If you are new to Bay Disposal you will get a new totter delivered to you.

What is the schedule for recycling? There will be no change in the recycling service. It will continue to be provided to the community by James City County and the recycling pick up day will continue to be the same day unless JCC makes a change.

What about bulk item or special pick-ups? Bay Disposal will provide special or bulk pick up service for members of the communities on an as needed basis. The cost for this service will depend on the items to be picked up and any cost will be at the individual resident's expense. Residents will be billed directly by Bay Disposal for such special arrangements. **Please call (757) 857-9700 for prices and pick up dates directly.**

Can I put out Plastic Bags outside the totter? Yes. You can place up to three additional bags next to the cart and they must not exceed twenty pounds per bag.

Do I need to be current in my homeowner assessment obligations to participate? Yes, this program is for members in good standing with the Associations. If you do have a delinquent balance at this time and want to participate in this program you will have to become current in your assessment obligations in order to become eligible. Account balance inquiries should be directed to the management office at (757) 229-6810.

If I'm on vacation, can I cancel my service? Arrangements can be made to stop your service while you are out of town on a **monthly basis only and the fees will be prorated.** To start or stop service, you must provide the dates to the management company via email at least thirty (30) days in advance. Bay Disposal will be notified, trash will not be picked up, and you will not be billed for the trash services.

What about holidays? Since we've scheduled pick up days on Wedney's, we should not have a problem.

Handicapped Owners: If you are handicapped, or in need of help with rolling your totter to the curb, please notify the property manager in writing or via email of your circumstances, and arrangements will be made to assist.

Program Administration: Is controlled by Berkeley Realty, on behalf of the association. Please refer all questions or concerns you have to Pierre Forget at pforget@berkeley-realty.com. Bay Disposal will not address questions from homeowners. The only exception is bulk pick up as identified above.

WESTMORELAND OWNERS ASSOCIATION, INC.

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Order Date: 10-14-2020

Document not for resale

HomeWiseDocs

150 Strawberry Plains Road, A-1
Williamsburg, VA 23188-3408

Tel. (757) 229-6810

Fax (757) 229-8208

TRASH SERVICE APPLICATION

(PLEASE PRINT)

Name: _____

Address: _____

Day Phone: _____; Evening Phone: _____

Yes I request an additional trash can {toter} at an additional \$6.00/quarter.

I, _____ (Name) request to participate in the residential trash collection program administered by Westmoreland Owners Association. I have read and understand the terms of this program and agree to make the required payments until such time as written notice to cancel my service is received by the Association; and that my participation requires me to be a member in good standing with the Association.

I understand that the initial cost will be **\$43.50/quarter effective January 1, 2017**. I understand that I will be billed for the service by the Association as a separate charge apart from my assessment obligation and agree to remit payment for service as billed in accordance with the Association's payment policies. I understand that that Association will facilitate this program through Bay Disposal and will act on my behalf in securing the best service rate.

I understand that the charge to members will be at cost with no additional fee to the Association. Any problems with service or with equipment supplied by Bay Disposal (Provider) will be reported to the Association in care of its management office.

I understand that the terms of this program as of this date does include use fees, dump fees, or other charges imposed by the provider or any municipal authority according to the Provider. Should such fees be imposed in the future I understand that such fees may be passed on to program participants as part of the service costs. In the event such a fee or fees are imposed, the Association will provide as much advanced notice as possible, and that I will only be liable for such additional charges through the end of the billing cycle in which such charges were initiated. In the event of such a fee, or fees, I may cancel my subscription at the end of any quarterly billing cycle by providing written notice to the Association no less than thirty (30) days before the beginning of the next cycle.

Date: _____

Signature: _____

Signature: _____

Please check one: I am ; Acct # _____ I am NOT currently a Bay Disposal customer.

Date received & logged on spreadsheet from BPM: _____

UPLOADED

5/4/2021