



B. Architectural Guidelines for New Construction and Additions 2021

**Guidelines for Unimproved Lots are detailed in a separate document (A)
Guidelines for Existing Homes are also detailed in separate documents:
Exterior Renovations (C), Hardscape Modifications (D) and Landscape Modifications (E)**

Dear Somersby Park Property Owners, Builders, Architects, Designers and Landscapers,

The Somersby Park Architectural Guidelines are intended to provide helpful information to assist you in constructing a home that integrates with the rugged natural terrain and landscape found in Western North Carolina. Home and landscape design should complement Somersby Park's distinctive Blue Ridge Mountain environment, rather than competing or contrasting with it. Environmentally sensitive construction can best be achieved by employing an approach that gives careful consideration to the configuration of your particular lot, its vegetation, topography and relationship to other properties within the community.

These Guidelines are expressly intended to protect and enhance the property values of all owners throughout the community. As Somersby Park develops, the Guidelines may be updated to further protect community standards, and the Architectural Review Committee (ARC) retains full authority to enforce and/or amend the guidelines as it deems appropriate. Please note that some homes were built in Somersby Park prior to enactment of these Guidelines (December 2020) and might not conform, in part or in total, to these requirements and policies. Any non-conformance of previously built homes does not constitute a precedent or grounds for non-conformance in present day applications to the ARC.

A thorough understanding of these Guidelines, as well as Somersby Park's Covenants, Conditions and Restrictions (CCR's), found online at [SomersbyPark.com/covenants-and-guidelines](https://www.somersbypark.com/covenants-and-guidelines), is essential before initiating any design work. While this document should prove to be a helpful planning tool, it can neither provide every answer nor guarantee ideal solutions for every situation. Questions and comments are encouraged, and the Architectural Review Committee (ARC) stands ready to assist you and all parties involved in your building project.

*Somersby Park Architectural Review Committee
SomersbyParkARC@gmail.com*

Ron Bajakian, John Bernero, Peggy Delcher, Catherine Pop (chair) and Dino Viscosi

These Guidelines were adopted in December 2020 and supersede all other versions.

Table of Contents

1. Purpose and Intent of Guidelines	
1.1. The Architectural Review Committee	4
1.2. Design Objectives.....	4
1.3. Design Aesthetic.....	5
1.4. Home Planning and Design.....	5
1.5. Design Criteria.....	6
2. The Architectural Review Process	
2.1. Purpose and Intent of the Review Process.....	8
2.2. Notification.....	8
2.3. Preliminary Concept Review Meeting and Initial Site Visit.....	8
2.4. Plan Submittal and Review Process.....	9
3. Architectural and Design Guidelines	
3.1. Site Design and Preparation.....	14
3.2. Architectural Design: Materials and Specifications.....	17
3.3. Hardscape Design: Materials and Specifications.....	21
3.4. Landscape Design: Materials, Specifications and Final Plan.....	24
3.5. Variances.....	26
4. Construction Regulations and Compliance	
4.1. Before Construction Begins.....	27
4.2. During Construction.....	27
4.3. Conduct of Workers.....	27
4.4. Communication and Inspections.....	28

Table of Contents (continued)

5. Forms (in development/under revision)

Form # 1	Request for Preliminary Concept Review Meeting and Initial Site Visit.....	29
Form #2	Disclosure and Acceptance of CCRs, ARC Guidelines and Construction Regulations.....	30
Form #3	Plan Submittal and Checklist.....	31
Form #4	Exterior Materials and Finishes.....	32
Form #5	Approval and Permit	33
Form #6	Request for Foundation Inspection.....	34
Form #7	Request for Dry-In Inspection.....	35
Form #8	Request for Roadway Connection Inspection.....	36
Form #9	Septic Certification.....	37
Form #10	Request for Final Inspection.....	38
Form #11	Request for Final Landscape Inspection.....	39
Form #12	Construction Completion Acknowledgement.....	40
Form #13	Request for Deposit Refund.....	41
Form #14	ARC Subsequent Change Form.....	42
Form #15	Notice of Violations and Stop Work Order.....	43

1. PURPOSE AND INTENT OF GUIDELINES

1.1. The Architectural Review Committee (ARC):

1.1.1. Authority:

1.1.1.1. The ARC has the sole authority of approval of any building, renovation or landscaping being considered for construction or installation within Somersby Park.

1.1.1.2. The ARC receives its authority from the Master Declaration of Covenants, Conditions and Restrictions (CCRs) of Somersby Park, Article XI. This Article, referring to the Architectural Committee (also known as the Architectural Review Committee or ARC), asserts the following in Section 11.6: Limitation of Liability:

“Review and approval of any application pursuant to this Article is made on the basis of aesthetic considerations only and the Architectural Committee shall not bear any responsibility for ensuring the structural integrity or soundness of approved construction or modifications, nor for ensuring compliance with building codes and other governmental requirements. Neither the Homeowner’s Association, nor members of the Architectural Committee, shall be held liable for any injury or quality of approved constructions on or modifications to any Lot.”

1.1.2. Oversight and Compliance:

1.1.2.1. No site clearing, material deliveries, construction, renovation or landscaping may begin without first obtaining written ARC approval.

1.1.2.2. The ARC reserves the right to stop construction of any project that deviates from the approved plan, or violates these Guidelines or municipal laws or regulations.

1.1.2.3. All rejected work should be removed and reconstructed in accordance with approved plans. Fines may be assessed and should be paid before construction can continue.

1.2. Design Objectives:

1.2.1. To protect and enhance the value of all Somersby Park homes and properties;

- 1.2.2. To provide aesthetic and environmental context for design and construction;
- 1.2.3. To facilitate the construction of homes inspired by the Arts and Crafts style of architecture, in visual harmony with their mountain setting;
- 1.2.4. To establish minimum requirements for site development, architectural and landscape design, materials, colors and construction of all projects within the community;
- 1.2.5. To prevent indiscriminate clearing of property, disruption of natural watercourses, excessive or unsightly grading or indiscriminate removal of trees and vegetation;
- 1.2.6. To ensure that landscaping plans are site-appropriate, provide visually pleasing settings and blend harmoniously with the natural landscape on the owners' and nearby lots; and
- 1.2.7. To minimize the impact of construction on the community.

1.3. Design Aesthetic:

- 1.3.1. Somersby Park's preferred design aesthetic references the community's distinctive Blue Ridge Mountain setting, integrates with the rugged, natural terrain and borrows from the Arts and Crafts design style.
- 1.3.2. This Craftsman-inspired architectural design theme is characterized by solid looking exteriors with steep pitched roofs, timber frame gables, stonework and other native building materials. Warm, earth-tone colors blend rather than contrast with the natural environment.
- 1.3.3. Careful consideration should be given to the configuration, topography and vegetation of each lot and the relationship to other properties, with minimal grading and disruption of existing drainage.
- 1.3.4. Natural elements, surrounding trees, boulders and other landforms should be preserved and can be incorporated into outdoor living spaces. Hardscaping for patios and walkways should look natural and relate to the structure, while walls, fences and gates are minimized.

1.4. Home Planning and Design:

- 1.4.1. To ensure that both the experience of planning a home and the results of building it will be a rewarding experience, the ARC strongly encourages owners to secure the services of competent professionals with direct local area experience who can provide site planning, as well as superior architectural and landscape design.
- 1.4.2. Each home site presents a unique design opportunity, and it is highly recommended that both an architect and a landscape architect be consulted to ensure the designs are appropriate for the site.
- 1.4.3. Plans for modular, pre-cut kit, catalog, or builder supplied stock plans will most likely not meet Somersby Park's design criteria.
- 1.4.4. A list of approved builders who have a recent history of working closely with the ARC during the construction process is available on request or online at SomersbyPark.com/covenants-and-guidelines.
- 1.4.5. Upon careful review and approval by the ARC, prospective homeowners may be allowed to use a builder of their choice, provided the builder meets these criteria:
 - 1.4.5.1. Builders should submit portfolio materials, in digital format, at least 30 days in advance of any project submittal, including working drawings and photographs for two or more recent projects.
 - 1.4.5.2. Submittals should also include a list of local communities, especially those governed by Architectural Review Committees, where the builder has been active within the last five years, including references and price point of homes built in the community.
 - 1.4.5.3. Builders should demonstrate their willingness and ability to customize plans to meet the specific requirements of the Somersby Park ARC and prospective homeowners.
 - 1.4.5.4. Builders should be prepared to meet with ARC committee members, either virtually or in person, and allow committee members to visit and review examples of their construction.
 - 1.4.5.5. All general contractors should be licensed in the state of North Carolina and are required to submit copies of the license and proof of insurance.

1.5. Design Criteria:

- 1.5.1. Homes built prior to implementation of the current Architectural Guidelines (December 2020) may not conform to these Guidelines and policies. Any non-conformance of previously built homes does not constitute a precedent or grounds for non-conformance in present day applications to the ARC.
- 1.5.2. The architectural review process will be based on the committee's interpretation of the Guidelines and will not be conducted in an arbitrary or capricious manner. However, taste and judgement may influence aesthetic considerations.
- 1.5.3. The ARC may disapprove any proposed construction on purely aesthetic considerations or site incompatibility where, in its sole judgement, such action is required to protect the site's natural beauty or the design is deemed to be incompatible with the general architecture of the community.
- 1.5.4. Following these Guidelines will greatly enhance a design's chances of approval, but compliance does not guarantee approval.

2. THE ARCHITECTURAL REVIEW PROCESS

2.1. Purpose and Intent of the Review Process:

- 2.1.1. The purpose of the architectural review process, the first step in launching your project, is to ensure that it complies with these Guidelines and meets the criteria that will enable your home to integrate aesthetically with the rest of the community.
- 2.1.2. The ARC aims to help you experience a building process that avoids, as much as possible, the costs and frustrations associated with “do-overs” by closely monitoring the process from initial design through construction and landscaping.

2.2. Notification:

- 2.2.1. Owners and/or builder notifies the ARC of intention to build by contacting SomersbyParkARC@gmail.com.
- 2.2.2. No clearing of property, tree removal or site grading is permitted until plans are presented to and approved by the ARC.
- 2.2.3. Preliminary under-brushing of lot to facilitate surveying, house design selection and house siting MAY be permitted with prior approval by [submitting FORM A: ARC Review/Approval Form for Unimproved Lot Modifications](#) (found online at SomersbyPark.com/covenants-and-guidelines/).

2.3. Preliminary Concept Review Meeting and Initial Site Visit:

- 2.3.1. In order to streamline the review process and maximize the likelihood that plans will be accepted without numerous time-consuming revisions, property owners should schedule a preliminary concept review meeting and site visit. Complete and return [FORM #1: Request for Preliminary Concept Review Meeting and Initial Site Visit](#) to SomersbyParkARC@gmail.com.
- 2.3.2. The concept review should be conducted at the very early design stage, with submittal of an initial architectural sketch or rendering; it serves as an early confirmation that the architect, builder and property owners have a shared vision of a design that is acceptable to the ARC.

- 2.3.3. This meeting provides an opportunity for the ARC to share information about the committee's expectations while answering questions about the process from the owners and their design and building team.
- 2.3.4. Submittal of a preliminary site plan is required when scheduling this meeting and site visit. A digital copy/PDF is required with the request; two 24" x 36" (size D) copies should be presented at the meeting.
 - 2.3.4.1. The preliminary site plan should be drawn to scale and include owners' name, lot #/street address, north arrow, property lines, easements, setbacks, proposed footprint of the home, distance from the property line to the home, prominent natural features and trees greater than 6" in diameter (at a height of 3').
 - 2.3.4.2. Additional details will be required on subsequent site plans.
- 2.3.5. Owners should identify one responsible party to serve as the designated agent for all interactions with the ARC. Owners and designated agent should also agree to be bound by the provisions of Somersby Park's CCRs and ARC Guidelines by providing a signed copy of [FORM #2: Disclosure and Acceptance of CCRs, ARC Guidelines and Construction Regulations](#).
- 2.3.6. Comments made at this preliminary meeting should not be considered an approval of any element of the design, but rather an opportunity to minimize the unnecessary use of time and resources on a concept or site plan that may not meet the design aesthetic or intent of the Guidelines.

2.4. Plan Submittal and Review Process:

- 2.4.1. Procedure: At least 10 days prior to desired plan review date, designated agent should:
 - 2.4.1.1. Email SomersbyParkARC@gmail.com to schedule a meeting time;
 - 2.4.1.2. Remit a non-refundable \$1,000 New Construction Review Fee (check made payable to SPHOA, PO Box 6215, Hendersonville NC 28793-6215);
 - 2.4.1.3. Complete the lot stakeout; and
 - 2.4.1.4. Submit a digital file/PDF and two 8.5" x 11" copies of ALL materials, plus two 24" x 36" (size D) sets of the items marked *:
 - 2.4.1.4.1. [FORM #3: Plan Submittal and Checklist for New Construction Review](#);

- 2.4.1.4.2. Site Analysis and Preliminary Landscaping Plan*;
- 2.4.1.4.3. Floor Plans, Elevations and Grade Levels*;
- 2.4.1.4.4. [FORM #4: Exterior Materials and Finishes](#); and
- 2.4.1.4.5. Copy of the previously submitted \$1,000 New Construction Review check.

2.4.1.5. NO incomplete submittals will be accepted for review under any circumstances.

2.4.2. Requirements:

2.4.2.1. Lot Stakeout

- 2.4.2.1.1. Proposed structure should be staked out on the lot with stakes at least 2' tall marking the corners; a string connecting the stakes should outline the shape of the house;
- 2.4.2.1.2. Each corner of the lot should be identified; side boundaries may need to be marked every 10-20 yards if not clearly identifiable;
- 2.4.2.1.3. The lot lines nearest the house should be defined with string; driveway centerline should be identified with stakes and string; and
- 2.4.2.1.4. Each tree and flowering shrub mass targeted for removal should be marked individually with red surveyor's ribbon tied about the circumference; to aid in identification, the corresponding number from the site plan/tree survey should be noted on the surveyor's ribbon.

2.4.2.2. [FORM #3: Plan Submittal and Checklist](#) - Two 8.5" x 11" copies, plus digital file/PDF:

- 2.4.2.2.1. Application should be signed and dated.
- 2.4.2.2.2. Applications that do not substantially satisfy the checklist requirements will not be reviewed until all required information is provided.

2.4.2.3. Site Analysis and Preliminary Landscaping Plan - Two 24" x 36" (size D) plans, two (8.5" x 11") copies plus digital file/PDF:

- 2.4.2.3.1. The professionally drawn site plan should be based on a current topographical survey prepared by a Licensed Land Surveyor;
- 2.4.2.3.2. This updated site analysis and preliminary landscaping plan should be accurately drawn to scale of not less than 1" = 20' by a landscape architect or other design professional on a 24" x 36" (size D) sheet and should specify:

- 2.4.2.3.2.1. Owners' name, lot number/street name, surveyor, landscape architect/design firm and date;
- 2.4.2.3.2.2. Lot dimensions, cardinal direction (North arrow) and scale bar;
- 2.4.2.3.2.3. Property lines, easements and building setback lines;
- 2.4.2.3.2.4. Existing and proposed contours at 2' elevations;
- 2.4.2.3.2.5. Prominent natural features (rock outcroppings, springs, etc.);
- 2.4.2.3.2.6. House location/building envelope, as well as a 15 foot "clearing zone";
- 2.4.2.3.2.7. All site improvements and accessories (walls, walks, driveway, parking, pet enclosures, etc.);
- 2.4.2.3.2.8. Location of mechanical equipment/exposed utilities (generator, HVAC, electric meter, septic tanks, etc.), plus evergreens or hardscape elements to shield from street view;
- 2.4.2.3.2.9. Location of construction dumpster, portable toilet, mailbox and exterior lighting;
- 2.4.2.3.2.10. Erosion control measures, including silt fence locations and drainage plans to contain and direct water runoff (flow volume and rate should be controlled to protect against erosion, with green space targeted to receive most runoff; drainage onto adjoining properties and into the streets is prohibited);
- 2.4.2.3.2.11. All existing trees greater than 6" in diameter (at a height of 3'), plus all flowering trees and shrub masses (dogwoods, rhododendrons and mountain laurels) should be identified by number with a corresponding legend indicating size and species;
- 2.4.2.3.2.12. All trees targeted for removal should be clearly identified; the ARC may restrict the number of trees removed outside the 15 foot "clearing zone" and may require additional trees or landscaping; and

- 2.4.2.3.2.13. Location of foundation plantings, planting beds, lawn areas and natural areas; other landscaping features to be installed or preserved should also be shown, including those required to replace trees and vegetation removed during site prep.

2.4.2.4. Floor Plans, Elevations and Grade Levels – Two 24" x 36" (size D) plans, two 8.5" x 11" copies plus PDF/digital file, professionally drawn at ¼" = 1' scale unless otherwise indicated, including a title block on each sheet with owners' name, lot number, street address, architect/designer, date and square footage:

2.4.2.4.1. Exterior elevations, indicating:

- 2.4.2.4.1.1. How building is related to finished grade levels (overall height from finished floor elevation to highest ridge of roof);
- 2.4.2.4.1.2. Exterior window and doors;
- 2.4.2.4.1.3. Exterior materials (siding, stone, stucco, etc.); and
- 2.4.2.4.1.4. Exterior electrical lighting fixture locations.

2.4.2.4.2. Floor plans for all floors, indicating:

- 2.4.2.4.2.1. Room names;
- 2.4.2.4.2.2. Overall dimensions; and
- 2.4.2.4.2.3. Square footage of conditioned spaces and other roofed area.

2.4.2.4.3. Wall section/details (at 3/4" = 1' scale) indicating:

- 2.4.2.4.3.1. Typical wall section from footing to roof; and
- 2.4.2.4.3.2. Roof, deck and architectural specialty details.

2.4.2.4.4. Foundation plan indicating:

- 2.4.2.4.4.1. Location and size of footings, scale and configuration of sub-foundation wall and exterior piers, structural retaining walls and steps to grade, if applicable; and
- 2.4.2.4.4.2. An as-built foundation survey may be required to verify construction where setback lines are in close proximity to home footprint.

2.4.2.5. FORM #4 Exterior Materials and Finishes:

- 2.4.2.5.1. All exterior materials and finishes should be detailed on FORM #4 or other comparable format;
- 2.4.2.5.2. Exterior unpainted materials and finishes should be specified according to product, manufacturer, series and color name/number for materials such as stone, garage doors, porch railing, walkway, driveway, roof, windows

and gutter coil; provide either a link to an online catalog or printed cut sheets/samples;

- 2.4.2.5.3. Exterior paint and stain selections should be specified according to material, manufacturer and color name/number for exterior materials such as board and batten, shakes, shutters, window trim/fascia/soffit, gable timbers, front, rear and garage doors, porch/deck columns and railing, ceilings and floors; provide either a link to an online color swatch or printed color swatches; and
- 2.4.2.5.4. Actual samples of some materials may be required if they cannot be described otherwise.

2.4.3. Plan Review Presentation and ARC Internal Review:

2.4.3.1. ARC meets with designated agent, either virtually or in person, to review all materials submitted for consideration and recommend changes.

2.4.3.2. ARC conducts internal review and preliminary site visit.

2.4.3.3. ARC either approves or requires changes and/or additional documentation. All plan revisions should be dated and resubmittals should include complete set of documents and drawings.

2.4.3.4. During this process, the ARC may require services from local professionals, such as architects, engineers, surveyors, designers or arborists. These professional consultation fees are the obligation of the owners.

2.4.4. Plan Approval and Permits:

2.4.4.1. Upon ARC approval of construction and preliminary landscape plans, the following fees are due (checks made payable to SPHOA, PO Box 6215, Hendersonville NC 28793-6215):

- 2.4.4.1.1. \$3,500 non-refundable road impact fee; and
- 2.4.4.1.2. \$5,000 compliance fee, refundable all or in part (any fines incurred during construction will be deducted from this fee).

2.4.4.2. ARC issues [FORM #5 Approval Form and Permit](#); the 12 month construction time clock begins at this point.

2.4.4.3. Designated agent posts builder sign and Laurel Park and Henderson County Building Permits at job site and emails copies to SomersbyParkARC@gmail.com.

2.4.4.4. A final landscaping plan, detailed below, is required at least 60 days prior to anticipated completion of construction.

3. ARCHITECTURAL AND DESIGN GUIDELINES

3.1. Site Design and Preparation:

3.1.1. Building Setbacks:

3.1.1.1. The following minimum building and/or structure setbacks apply to all new construction, as measured from the property line to the foundation line:

Front or Side Yard (adjoining a street)	25 feet
(minimum 40 feet from center of roadway)	
Rear Yard (interior boundary)	20 feet
Side Yard	15 feet
Rear Yard	25 feet

3.1.1.2. Neither the ARC nor the SPHOA Board is authorized to grant setback variances. Any questions regarding application of Laurel Park or Somersby Park setbacks should be addressed to the Zoning Administrator for the Town of Laurel Park, with a courtesy copy of the request and response emailed to SomersbyParkARC@gmail.com. The ARC will be bound by the determination of the Town of Laurel Park.

3.1.2. Structure Sizes:

3.1.2.1. 1-story: No less than 1,800 square feet of heated space

3.1.2.2. 2-story: No less than 2,400 square feet of heated space

3.1.2.3. Lower levels: "Basement" square footage cannot be included in the 2,400 square foot minimum requirement; refer to International Building Code definitions (IBC 202) to determine whether a lower level is classified as a "basement" or "story"

3.1.2.4. Height: No homes exceeding two stories above foundation height are permitted

3.1.2.5. Garages: Each residence should have an attached or detached garage (minimum two-car)

3.1.3. Site Considerations:

3.1.3.1. Relationship of Building to Site: Floor Area Ratio (FAR*) and Landscape Surface Ratio (LSR*) as calculated by builder/architect:

- 3.1.3.1.1. FAR* may not exceed 22.5% compared to the overall size of the lot (FAR* includes the building footprint, along with garages, decks and porches); and
- 3.1.3.1.2. LSR* may not exceed 30% compared to the overall size of the lot (LSR* includes FAR* plus driveways, patios, gazebos, play structures, pools/spas, etc.).

3.1.3.2. Access Easement Variances – All matters concerning access easements and encroachment into Common Area are the purview of the SPHOA Board. Requests for access easement variances should be directed to the SPHOA board (SomersbyParkHOA@gmail.com), with a courtesy copy of the request and the response emailed to SomersbyParkARC@gmail.com.

3.1.3.3. Right-of-Way:

- 3.1.3.3.1. A utilities right-of-way abutting each property exists along Somersby Park’s roadways. This area belongs to the community as part of its unpaved road space;
- 3.1.3.3.2. Property owners enjoy an easement across this common area in order to access their home sites and to landscape to the roadway edge. Any work, utility or otherwise, that becomes necessary within this easement is not subject to stoppage or other interference by the affected property owners;
- 3.1.3.3.3. Neither the Homeowners Association nor the ARC is responsible for damage to hardscape, landscape or other items placed by the owner in this area;
- 3.1.3.3.4. Property owners assume responsibility for removing any hardscape or landscape element placed in this area should it inhibit or prevent access to utilities; owners bear the entire expense for removal;
- 3.1.3.3.5. 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 during construction; and
- 3.1.3.3.6. Designated agent is responsible for contacting 811 to ensure that no roadside utilities are damaged; replacement and repair is at the owners’ expense.

3.1.3.4. Roadside Drainage:

- 3.1.3.4.1. 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 adequate drainage provisions to accommodate heavy rains should be used;

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

3.1.3.4.3. Driveways should be graded to avoid damming the natural drainage flow; a culvert may be required under the driveway apron along the road to handle the flow of rain water.

3.1.3.5. Grading:

3.1.3.5.1. Site grading should be kept to a minimum and performed with erosion control as a primary objective;

3.1.3.5.2. Designs should attempt to fit over the natural slope with as little disturbance as possible;

3.1.3.5.3. Retaining walls and drainage swales directed to lower boundary undisturbed areas may be used to remediate erosion run-off toward adjacent property lines;

3.1.3.5.4. Grading should not encroach on the drip line of the trees being preserved; the use of heavy equipment, storage of topsoil or building materials are also prohibited in this area; and

3.1.3.5.5. Manual trenching or excavating may be required to preserve existing trees adjacent to the building envelope.

3.1.4. Site Preservation:

3.1.4.1. The ARC's site preservation requirements were designed to preserve the natural beauty and safety of our community while respecting owners' desire to enhance the aesthetic appeal and enjoyment of their property.

3.1.4.2. Tree and vegetation modification will be evaluated based upon factors including, but not limited to, the following:

3.1.4.2.1. Preservation of naturally occurring vegetation, in particular heritage tree species and those native trees and flowering shrubs protected by the CCR's;

3.1.4.2.2. Erosion and its impact on potential slope failures and landslides;

3.1.4.2.3. Long-term aesthetic appeal and maintenance requirements; and

3.1.4.2.4. Impact on neighboring property owners.

3.1.4.3. Lot excavation/tree removal for building site preparation is not permitted until after the ARC has issued a building permit.

- 3.1.4.4. Where grading and construction activities create unavoidable disturbance, erosion control, aesthetics and impact on neighboring properties should be considered in landscape design.
- 3.1.4.5. When flowering shrubs are within the approved construction area, consideration should be given to transplanting them elsewhere on the lot or providing to other property owners for relocation on their property.

3.1.5. Clearing Limits:

- 3.1.5.1. No clearcut removal of trees and shrubs is permitted.
- 3.1.5.2. A 15 foot “clearing zone” should be established around the building envelope/footprint of the structure.
- 3.1.5.3. If grading will necessitate clearing of vegetation outside of the 15 foot “clearing zone,” the site plan should clearly indicate those trees and flowering shrubs targeted for removal.
- 3.1.5.4. The ARC may restrict the number of trees removed outside the 15 foot “clearing zone” and may require additional trees or landscaping.

3.1.6. Common Area:

- 3.1.6.1. Trees, shrubs and ground covers beyond the boundaries of individual private property lie in the community’s Green Space or Common Area and are considered protected vegetation; all matters concerning modification of trees or vegetation in community green space are the purview of the Common Area Committee (CAC).
- 3.1.6.2. Procedures for requesting modification of trees and vegetation in the Common Area are detailed in a separate policy found online at SomersbyPark.com/covenants-and-guidelines/; requests should be directed to SomersbyParkCAC@gmail.com.

3.2. Architectural Design: Materials and Specifications

- 3.2.1. The following materials and specifications are consistent with the architectural style prevalent in Somersby Park; upon request, the ARC may consider newer low-maintenance or “green” building materials if compatible with the community’s design aesthetic.

3.2.2. Walls:

3.2.2.1. Vinyl and aluminum siding and trim are prohibited.

3.2.2.2. Acceptable structure wall materials include:

- 3.2.2.2.1. HardiePlank (or similar low-maintenance material) or horizontal wood clapboard (maximum 8" to the weather);
- 3.2.2.2.2. Board and batten siding (horizontal or vertical);
- 3.2.2.2.3. Poplar bark siding and horizontal cedar shingles are only allowed as accent elements;
- 3.2.2.2.4. Stucco (smooth and finished or pebble dashed); and
- 3.2.2.2.5. Natural or cultured stone (20 – 25% stone preferred on front and side street facing exposures).

3.2.2.3. If more than one material is used, a change in material may only be made along a horizontal line, with heavier material below the lighter.

3.2.2.4. Crawl spaces should be skirted; lattice may be acceptable on a case-by-case basis.

3.2.2.5. Sub foundation walls should be parged to cover masonry block joints.

3.2.2.6. All exterior smooth wood trim and wood shingles should be painted or stained.

3.2.3. Doors:

3.2.3.1. Exterior doors should be made of painted or stained wood or fiberglass; other low-maintenance materials may be considered.

3.2.3.2. Front doors should be hinged and constructed of planks or raised panels and should not be flush with applied trim; front door trim may be any configuration or size with a 3.5" minimum.

3.2.3.3. Patio, porch and deck doors can be hinged, French or sliders.

3.2.3.4. Security doors should be approved.

3.2.3.5. Pet doors should be approved and may not be visible from the street.

3.2.3.6. Front-facing garage doors should be no more than 9' in width.

3.2.4. Windows and Skylights:

3.2.4.1. Materials:

- 3.2.4.1.1. Windows should be made of painted or stained wood, fiberglass or exterior aluminum/vinyl clad;
- 3.2.4.1.2. UV/solar protective coatings, along with stained glass or etched/frosted accent windows, may be considered; and
- 3.2.4.1.3. Screen frame color should coordinate with, not contrast, with window cladding.

3.2.4.2. Configurations:

- 3.2.4.2.1. Windows should be single, double or triple-hung, fixed, awning or operable casement types; and
- 3.2.4.2.2. Where possible, skylights should be flat and not visible from the street.

3.2.5. Roofs, Gutters and Solar Panels:

3.2.5.1. Roof Materials:

- 3.2.5.1.1. Architectural shingles are preferred; and
- 3.2.5.1.2. The following are also allowed: asphalt or fiberglass shingles, copper and pre-finished galvanized steel (5 V crimp or standing seam); copper should be allowed to age naturally, and not be painted or sealed.

3.2.5.2. Roof Configuration:

- 3.2.5.2.1. Principal roofs should be a symmetrical gable, hip or partial hip with a slope of 8:12 to 12:12; and
- 3.2.5.2.2. Front elevation should have equal or same pitch relationships; ancillary roofs may be on sheds sloped to no less than 3:12.

3.2.5.3. Gutters, Downspouts, Rain Barrels and Solar Panels:

- 3.2.5.3.1. Gutters and downspouts should be made of pre-finished galvanized steel, copper or aluminum; copper should be allowed to age naturally, and not be painted or sealed;
- 3.2.5.3.2. Gutter covers (color, make and model) should be submitted for review;
- 3.2.5.3.3. Rain barrels should not be visible from the street; and
- 3.2.5.3.4. Solar panels should be flat and not visible from the street; other configurations may be considered on a case-by-case basis.

3.2.6. Chimneys:

- 3.2.6.1. Masonry chimneys should be made of stone or traditional stucco.

3.2.6.2. Chimneys should be a minimum of 2:1 proportion and capped to conceal spark arresters; cantilevered chimneys or fireplace enclosures may be allowed on decks.

3.2.6.3. Exposed wood-burning fireplace and wood stove flues should be encased with stone, traditional stucco or other materials that match or are consistent with materials already used on the house.

3.2.7. Decks, Porches, Stoops and Steps:

3.2.7.1. Decks:

- 3.2.7.1.1. Decks should be located in rear and side yards only;
- 3.2.7.1.2. Pressure treated wood or weather resistant composite materials like "Trex" are allowed; other newer, maintenance-free materials may also be considered;
- 3.2.7.1.3. Railings should have horizontal top rails and be centered on the pickets; wood top rails should be eased (i.e., have a rounded top edge); other newer, maintenance-free materials such as steel cables, aluminum or metal spindles may also be considered; and
- 3.2.7.1.4. Two-level decks should have matching railings.

3.2.7.2. Rear and Side Yard Porches:

- 3.2.7.2.1. Acceptable porch and railing materials are the same as for open decks;
- 3.2.7.2.2. Porches with finished roofs and ceilings may be enclosed with glass or screen, provided that the porch is not at the front of the residence; aluminum and fiberglass enclosures are not allowed; and
- 3.2.7.2.3. Ceilings (including exposed joists) should be painted or stained wood.

3.2.7.3. Front Porches, Stoops and Steps:

- 3.2.7.3.1. Front porches may not be enclosed;
- 3.2.7.3.2. Porch ceilings (including exposed joists) should be painted or stained wood;
- 3.2.7.3.3. Tapered Craftsman box columns, as well as smooth or rough sawn timbers (minimum 6" x 6") are acceptable.
- 3.2.7.3.4. Porch piers of masonry construction should be no less than 12" x 12"; and
- 3.2.7.3.5. Front porch floors and steps can be made of wood, stone, stamped and/or colored concrete; if concrete is used, stone or stucco cheek walls are required.

3.2.8. Exposed Utilities:

3.2.8.1. The following are prohibited on the exterior of homes: window air-conditioning units, television/radio antennas and clotheslines.

3.2.8.2. The following should not be installed in the front of homes or be visible from the street: HVAC equipment, generators, satellite dishes, utility meters, trash enclosures, septic tanks and radon mitigation systems.

3.2.8.3. Radon mitigation systems should be installed inside the home with vent pipe exiting through the attic roof; exterior components should be painted to closely match the exterior paint color of the home.

3.2.8.4. Evergreen screening or appropriate hardscape should conceal all exposed utilities from street view as much as possible, with particular care taken on corner lots.

3.2.8.5. Septic System: Somersby Park operates a homeowner association North Carolina certified (STEP) septic system. Waste materials are carried from the home and deposited in tanks similar to those found in leach field septic systems. A second tank accumulates the clear effluents from the intake tank, which are then pumped into effluent lines which carry the liquids by pump and gravity to a lift station, which then pumps the materials into the Hendersonville sewage system.

3.2.8.5.1. Materials used in the installation of the home site septic system should meet specifications outlined in the new home installation guidelines, available upon request;

3.2.8.5.2. The installer should hold a current grade 4 Septic System license from the State of North Carolina, with a copy of the license submitted prior to the initiation of any work; and

3.2.8.5.3. Inspections required by the State of North Carolina are detailed in the installation guidelines; copies of invoices are required and payment may be deducted from the construction deposit.

3.3. **Hardscape Design: Materials and Specifications:**

3.3.1. Driveways and Parking:

3.3.1.1. Driveways should be graded to avoid damming the natural drainage flow; a culvert may be required under the driveway apron to handle the flow of rain water.

3.3.1.2. Driveways should be at least 10' wide and provide off street parking for at least two automobiles.

3.3.1.3. An apron of the same material and color as the driveway pavement should be installed to the edge of the road, be at least 20' wide at the connection and taper to meet the driveway surface.

3.3.1.4. Driveways, turnarounds and parking areas should be surfaced; asphalt, manufactured pavers, stamped and/or colored concrete and chip and seal are acceptable materials.

3.3.1.5. Somersby Park's Roads Committee is available as a resource; email SomersbyParkRoads@gmail.com for assistance.

3.3.1.6. Driveways located along a property line should be screened with appropriate evergreen shrub mass.

3.3.1.7. There should be a non-paved, landscaped buffer of at least 4' between the house foundation and the driveway pavement, except at entry doors and garage doors.

3.3.2. Patios, Walkways, Garden Paths and Steps:

3.3.2.1. Patios and walkways should be constructed of natural or cultured stone, manufactured pavers or stamped and/or colored concrete.

3.3.2.2. Acceptable materials for garden paths and steps are pressure treated wood, landscape timbers and framed mulch/gravel, plus other walkway materials listed above.

3.3.2.3. Other materials that complement existing materials of the home may be considered.

3.3.3. Walls and Utility Screens:

3.3.3.1. Retaining walls should be constructed from boulders, stone or stucco, complimenting existing materials on the home.

3.3.3.2. Garden walls should be constructed of stone, pressure treated wood or landscape timbers.

3.3.3.3. Utility screens should be constructed of stone, pressured treated wood or other low-maintenance materials; evergreen plantings are also acceptable.

3.3.4. Bridges, Fences, Gates and Pet Enclosures:

3.3.4.1. Bridges that cross any natural or man-made body of water or wetland area should be made of pressure treated wood.

3.3.4.2. Fence heights should be between 36" and 48."

3.3.4.3. Chain link, aluminum, vinyl and bamboo fence materials are not allowed.

3.3.4.4. Wooden fences should be made of pressure treated wood, cedar or locust wood; composite materials, as well as masonry and wrought iron may be considered.

3.3.4.5. Picket and split rail designs are acceptable.

3.3.4.6. Evergreen plantings may be used in natural landscape fences.

3.3.4.7. Pet enclosures should not be visible from the street; "invisible fencing" is preferred.

3.3.4.8. Garden gates should be constructed of wood or iron.

3.3.5. Accessory Structures:

3.3.5.1. Accessory structures such as gazebos, arbors, pergolas, etc. should complement existing architecture; acceptable materials include pressure treated wood, cedar, locust, composite and wrought iron.

3.3.5.2. Stand-alone and pre-manufactured storage buildings are not permitted.

3.3.5.3. The following should not be installed in the front of homes or be visible from the street: outdoor kitchens, permanent grills, permanent play equipment, recreational structures/courts, pools and spas/hot tubs and permanent firepits.

3.3.5.3.1. Pools, spas and hot tubs should have covers;

3.3.5.3.2. Above ground pools and inflatable bubble covers are not allowed; and

3.3.5.3.3. Firepits should be at least 10' from the roof line of any building, tree or foliage.

3.3.6. Lighting:

- 3.3.6.1. Down lighting is encouraged to reduce glare and better light roads and paths.
- 3.3.6.2. Flood lights and motion detectors should not be the primary source of lighting on porches, decks or garages; they should be used only on occasion for momentary lighting purposes.
- 3.3.6.3. Path lighting should be installed so as not to disturb neighbors or impair vision of traffic on nearby streets.

3.3.7. Mailboxes:

- 3.3.7.1. Each home should have a mailbox conforming to ARC standards of design, construction, color and installation.
- 3.3.7.2. The post and horizontal box support is available on request from the ARC for a nominal fee; or, if desired, the ARC can provide specs for individual builders/homeowners to follow.
- 3.3.7.3. Color: the post and horizontal box support should be stained/sealed with a solid stain (BEHR “Redwood Natural Tone” #3637107808 or color-matched from an alternate manufacturer); other neutral/natural colors may be submitted for consideration.
- 3.3.7.4. USPS Mailbox: a standard black metal USPS approved mailbox should be mounted atop the crossbar; the mailbox (approximate outside dimensions are 21” L x 10.5” H) should have an arched top, flat, vertical sides and a red flag mounted on the right side.
- 3.3.7.5. Oval Address Plaque: the ARC will supply a two-sided address plaque at no additional expense; it should hang from the crossbar by two sets of stainless steel hooks and screw eyes.
- 3.3.7.6. Installation: the post should be installed so that the bottom front of the mailbox itself is 42” above ground and 8” - 12” from the outside edge of the driveway; the front of the post should be installed 29.5” – 33.5” from the edge of the road.

3.4. Landscape Design: Materials, Specifications and Final Plan:

- 3.4.1. Where grading and construction activities create unavoidable disturbance, erosion control, aesthetics and impact on neighboring properties should be considered in landscape design.

- 3.4.2. The peripheral landscape should be retained in as natural a state as possible where the size of the property permits; special attention should be given to long-term maintenance requirements.
- 3.4.3. Lawns should be sodded or seeded.
- 3.4.4. Plantings should soften the foundation line of the building and crawl space; planting beds should be mulched and have distinct edges:
 - 3.4.4.1. Hardwood, pine bark and pine straw are acceptable mulching materials.
 - 3.4.4.2. Rock and pebbles, dyed or colored mulch and shredded rubber are unacceptable mulching materials.
- 3.4.5. There should be a non-paved, landscaped buffer of at least 4' between the house foundation and the driveway pavement, except at entry doors and garage doors.
- 3.4.6. Driveways located along a property line should be screened with appropriate evergreen shrub mass.
- 3.4.7. Exposed utilities should be screened with evergreens or appropriate hardscape.
- 3.4.8. A Final Landscaping Plan – Two 24" x 36" (size D) plans, two 8.5" x 11" copies plus digital file/PDF, is required at least 60 days prior to anticipated completion of construction:
 - 3.4.8.1. This document should be accurately drawn to scale of not less than 1" = 20' on a 24" x 36" (size D) sheet by a landscape architect or other design professional;
 - 3.4.8.2. It should reflect any changes to the preliminary plan and contain the following additional components:
 - 3.4.8.2.1. Final grading and drainage plan, including water runoff locations from roofs, driveways, walkways, patios and roads by way of culverts, French drains, impervious drainage, etc.; drainage onto adjoining properties and into the streets is prohibited;
 - 3.4.8.2.2. Location of all hardscape installations (including fences, pools, landscape lighting, sprinkler heads, decks, patios, play structures, mailboxes, etc.):
 - 3.4.8.2.2.1. Dimensions, materials, manufacturer's specifications and illustrations/catalog depictions should be provided where appropriate; and

3.4.8.2.2.2. Actual samples of some materials may be required if they cannot be described otherwise;

3.4.8.2.3. Location of trees, shrubs, ground cover, planting beds and sod or seeded lawn areas; and

3.4.8.2.4. A planting list detailing size, quantity, species and common name of all proposed plant material.

3.4.8.3. Landscaping should be complete within 90 days of occupancy; extensions may be allowed given certain seasonal considerations.

3.4.8.4. A portion of the compliance fee may be retained to ensure satisfactory installation.

3.5. Variances: Requests for deviations from any provisions of these Guidelines should be submitted during the plan review process. Such variances should be authorized prior to the start of construction and are at the sole discretion of the ARC.

4. CONSTRUCTION REGULATIONS AND COMPLIANCE

4.1. Before Construction Begins:

- 4.1.1. Contact SomersbyParkARC@gmail.com to receive a gate code for workers.
- 4.1.2. Erect approved job site sign and any approved contractor/architect signs prior to obtaining building permits.
- 4.1.3. Post permits on the rear of contractor's sign prior to delivery of any materials. No signs may be affixed to a tree or temporary power pole
- 4.1.4. No additional signs are allowed.
- 4.1.5. Place dumpster on job site and place portable toilet in an inconspicuous location on job site with the door facing away from the street and neighboring homes
- 4.1.6. Gravel driveway, install silt fence(s) and neatly install temporary utilities.

4.2. During Construction:

- 4.2.1. Construction site should be maintained in a clean and tidy manner at all times; failure to do so may result in fines, a "stop work order," or both.
- 4.2.2. All construction materials should be kept within the property lines and should be neat and orderly; temporary mobile storage trailers may be allowed with prior ARC approval.
- 4.2.3. Dumpsters should be covered at the end of each work day and no food waste should be left in dumpsters overnight; contractors are responsible for trash and debris removal from job site and for any that falls from the transporting vehicle.
- 4.2.4. The ARC reserves the right to stop construction on any project that deviates from ARC-approved plans; all rejected work should be removed and reconstructed according to the approved plans.

4.3. Conduct of Workers:

- 4.3.1. 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.

- 4.3.2. 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.
- 4.3.3. 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.
- 4.3.4. 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.

4.4. Communication and Inspections

- 4.4.1. The ARC will communicate regularly with designated agent and conduct periodic inspections; written requests for inspections should be submitted at certain construction milestones to SomersbyParkARC@gmail.com.
- 4.4.3. Under most circumstances, the ARC will respond and schedule inspections* no later than 72 hours following receipt of request:
 - 4.4.3.1. FORM #6: [Request for Foundation Inspection](#)*
 - 4.4.3.2. FORM #7: [Request for Dry-In Inspection](#)*
 - 4.4.3.3. FORM #8: [Request for Roadway Connection Inspection](#)*
 - 4.4.3.4. FORM #9: [Septic Certification](#)
 - 4.4.3.5. FORM #10: [Request for Final Inspection](#)*
 - 4.4.3.6. FORM #11: [Request for Final Landscape Inspection](#)*
 - 4.4.3.7. FORM #12: [Construction Completion Acknowledgement](#)
 - 4.4.3.7.1. Once final inspection has occurred, all outstanding issues have been resolved and final ARC approval has been granted, ARC will issue FORM #14, which is then submitted to the Town of Laurel Park for issuance of Certificate of Occupancy (CO)/
 - 4.4.3.7.2. Designated agent then emails copy of CO to SomersbyParkARC@gmail.com.
 - 4.4.3.8. FORM #13: [Request for Deposit Refund](#)

4.4.3.9. FORM #14: [ARC Subsequent Change Form](#)

4.4.3.10. FORM #15: [Notice of Violations and Stop Work Order](#)