

SOUTH MILL VILLAGE ASSOCIATION

EVALUATION CONSIDERATIONS FOR HOMEOWNER REQUESTS FOR MODIFICATIONS TO BUILDINGS, DECKS, PATIOS, OR LANDSCAPE

Objective

To establish considerations for the Executive Board in evaluating requests from homeowners for structural modifications to their unit or decks, patios, and plantings within the limited common elements (LCE) around them. These considerations are for the convenience of the Executive Board and to assist unit owners in understanding the factors that the Board may consider. They do not limit the discretion of the Executive Board under statute, the Declaration and Bylaws.

References

Section 47-2307, Connecticut General Statutes, Article XIII of the Declaration, and Section 6.11 of the Bylaws.

General

All requests must be made in writing to the Executive Board. The Board will then send a notice to all homeowners whose interest would be significantly affected by the proposed action and schedule a hearing, if necessary, as required in Section 13.1 of the Declaration and Section 6.11 of the Bylaws. After the hearing, and after evaluating all the homeowner input, the Board will render a decision within 60 days after such request. Failure to do so within such time shall not, however, constitute a consent by the Executive Board to the proposed addition, alteration, or improvement.

Conditions

Proposals should be accompanied by professionally prepared floor plans and evaluations, or landscape areas, as appropriate, that show the present structure and the proposed changes or proposed plantings.

All work must be done by Connecticut licensed contractors. Documentation of license, insurance for general liability in the amount of \$1 million and workers' compensation, along with a copy of the contract, must be presented to the Board or its agent 20 days prior to the proposed project commencement date.

The owner must execute an agreement whereby he/she assumes financial responsibility for the work to be performed, including, but not limited to restoration of the premises to their original condition in the event the approved project is not complete, and agrees to indemnify the Association and other unit owners in the event of accident or injury to real and personal property and/or persons.

Building Permits

Any applications to any department or to any governmental authority for a permit to make any addition, alteration or improvement in or to any Unit shall be executed by the Association only. Such execution will not, however, create any liability on the part of the Association or any of its

members to any contractor, sub-contractor or material man on account of such addition, alteration or improvement or to any person having any claim for injury to person or damaged to property arising therefrom (Declaration, Article XIII, Section 13.1(c) and Bylaws, Section 6.11).

Building Modifications

The following factors may be considered by the Executive Board:

- (a) whether the proposal expands the present “footprint” of the building;
- (b) whether the proposal alters an existing roof pitch or introduces an additional roof pitch;
- (c) whether the proposal uses exterior materials that do not match the roofing, siding, trim, or window style of the rest of the unit;
- (d) whether the proposal introduces a new exterior color;
- (e) whether the proposal increases the square footage of the building so as to change the allocation of fees. Conversion of unfinished space to finished space will not be considered to be an increase in square footage; and,
- (f) whether the modification would increase ongoing costs to the Association.

Deck and Patio Modifications

The following factor may be considered by the Executive Board:

- (a) whether the proposal expands the patio, deck, or associated planting areas beyond the limited common elements (LCE) around the unit. These limits may be further reduced by natural terrain factors, adjacent structures, or the impact on the adjacent area;
- (b) whether the proposal would introduce materials, finishes, or design elements not presently found in the community; and,
- (c) whether the resultant structure would increase ongoing costs to the Association.

Landscaping Modifications

The following factors may be considered by the Executive Board for any request to add, delete or modify existing landscape, either independent of or along with a request for deck or patio modifications:

- (a) whether the proposal expands the planting areas beyond the limited common elements around the unit. These limits may be further reduced by natural terrain factors, adjacent structures, or the impact on the adjacent area;
- (b) whether the proposal introduces perennial plantings not presently found in the community (rules for annuals are in the Bylaws). The Board may require, for ease of maintenance, consistency, and complementary appearance throughout the community, that only certain species already used in the community landscape, be planted; and,
- (c) whether the resultant modifications would increase ongoing costs to the Association.