

CUMBERLAND COVE
ENVIRONMENTAL CONTROL COMMITTEE
(ECC)
REQUIREMENTS AND RESTRICTIONS

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Revised June 18, 2018

INTRODUCTION LETTER

Dear Property Owner

The Environmental Control Committee (ECC) is a committee, consisting of a chairperson and nine residents of Cumberland Cove. The committee members are appointed by the Property Owners Association (POA) to determine what impact your construction project will have on our woodland environment.

The intent of this document is to provide information and guidelines you are required to follow during the exterior phases of construction. In it we emphasize the importance of preserving our environment and respecting the property of our neighbors.

Excluding holidays, the ECC meets at 9:00 am on the first and third Mondays of each month; at that time we review the requests for building approval permits. A schedule of dates is available on the bulletin board in the Welcome Center.

To insure a prompt response from the ECC, you must submit the appropriate information and forms associated with your request as one complete package. Depending on the scope of the project, Appendix H (page 20) provides a list of documents you must submit. Incomplete information or forms will result in delaying your request.

Once the ECC reviews the information and the forms you submitted, you would receive a letter within **30 days** informing you of their decision. In the event your request is denied you have the option to apply for a variance, or if necessary you have the option to proceed with the appeal process outlined on page 13.

When you receive written notification your request has been approved and the permit has been posted, a member of the ECC will begin monitoring your project. The work performed must conform to the information you submitted to the ECC for their approval.

Elton Warren,
ECC Committee Chairman

ENVIRONMENTAL CONTROL COMMITTEE:

The ECC is a Cumberland Cove Property Owner's committee, with the responsibility of monitoring and inspecting all building construction in Cumberland Cove. The Committee's authority is provided through the amendment to the Uniform General Requirements in the Covenants, and the Environmental Control Committee's restrictions as approved December 5, 2005.

Note!

The ECC recommends that property owners familiarize themselves with the contents of this document, and article 6, article 9, and article 11 of the covenants.

The covenants establish the ECC committee's areas of responsibility, i.e. traditional designed and constructed residential dwellings, and non-traditional designed and constructed residential dwellings, garages, outbuildings, entrance columns, fences, gates, ponds, pools, security lights, and modifications to exterior structures, etc. **Non-traditional structures erected within view of a neighbors adjoining/surrounding property line or residence, may require a letter from each of the adjoining/surrounding neighbors specifying they have no objections to your project or structure.** *Outbuildings over 30' by 38' will be considered a non-traditional structure and will be reviewed individually.*

Effective April 4, 2006

The purpose of this document is to assist property owners in understanding the intent of the articles above. It is not intended to assume or imply any responsibility for the quality of materials, or the workmanship of your contractors; this remains the sole responsibility of each individual property owner. Also, see construction practices on page 5.

The drawings providing structure elevations etc. must include the total square footage of the heated living floor space. The covenants require that all new homes must have a minimum of 1500 sq. ft. of heated living floor space.

Effective October 2, 2006.

The covenants restrict any permanent or temporary structure from being erected upon your property closer than (40) ft. to property line adjacent to county road and (20) ft. to the property line of the adjoining properties. *In the interest of safety, the ECC recommends a 40 foot set back from the edge of the bluff for all structures.*

Revised January 10, 2012

Upon receiving written approval from the ECC, the property owner has twelve (12) months to complete the exterior phase of construction. Upon request a six (6) month extension may be granted providing the work has been continuous and ongoing.

*December 5, 2005
Revised March 6, 2012*

ECC PROCEDURES WHEN REQUESTING BUILDING APPROVAL PERMIT

Please see Appendix's "J & H" for the permit that must be completed. There are 2 pages to complete.

No work is permitted until the property owner receives written ECC approval, and a building approval sign is posted as stated in Section 11.2 (b) Architectural Control, Covenants and Restrictions for Cumberland Cove.

No work means no tree removal, no building site preparation, no excavation, no construction or fabrication on or off-site. This includes traditional on-site constructed, or off-site manufactured, prefabricated, factory built, kit-built, modular, metal-clad, log walled, post & beam, or other unique construction types. See the last sentence under "Modular and All Other Non-traditional Home Construction." (ECC Red Book, page 6.)

Effective April 10, 2018

- (A) Property owners are advised that they must adhere to all federal, state, and local laws and ordinances.
- (B) No building submittals will be reviewed by the ECC until the property owner's assessment fee is current.
- (C) No building submittals will be reviewed unless all required documents are submitted as a complete package.
- (D) A fully completed and signed Cumberland Cove ECC committee's Construction Approval Request Form is required along with all the appropriate documents pertaining to your particular project listed below.

(1) A fully executed property deed.

(2) A surveyor's certified property survey. Minimum corner stakes from the property survey must be in place and flagged prior to building.

Effective February 6, 2006

(3) A set of building plans to include the floor plan and external view of the structure, including front, rear and side elevation views.

(a) If the home to be built involves pre-fabrication, the request for a permit to proceed must include a copy of the builders description of the supporting structure, floor plan, front, rear and side elevation views, roof design including roof pitch and overhang, design for footers and foundation walls, garage, decking, deck covering design if applicable, and color and type of external finish materials.

(b) In addition to positioning of the home on the property, the property owner must also provide plans for delivery of the pre-fabricated sections of the home. (Manufacturers brochures may satisfy some of these criteria.) These plans must include plans for delivery and placement of the home on the foundation walls and piers. These plans must address roads to be traveled by delivery vehicles, cranes and other heavy equipment. Contractors and property owners will be monitored by the ECC and the Roads Committee to insure that they are held responsible for any damage to Cumberland Cove roadways, easements, and rights of way. Plans will also be reviewed by the ECC to insure that access driveways, off-loading zones, and exit paths for equipment do not create excessive environmental damage to the property and do not threaten the neighboring properties.

Effective April 10, 2018

(4) A copy of your building permit from Putnam/Cumberland County if required.

(5) A copy of your Tennessee Department of Environment & Conservation permits approving location of septic system.

(6) A copy of the conservation agent's inspection form for ponds (if needed).

(7) A complete plot plan indicating the mandatory setbacks for your residential dwelling, fences, walls or other structures from adjoining property lines and county roads. In addition, the plot plan must provide the location of driveways, proposed ponds, the septic system drain field, and the areas scheduled for tree removal for these or other projects.

POSTING APPROVAL PERMIT SIGNS:

Once you obtain your approval permit, and prior to commencing construction, the permit sign must be posted in a place visible from the road and within 10 ft. of the property owner's driveway. During new home construction the ECC recommends you provide a weatherproof board large enough to accommodate painting your home address on it and large enough to display additional permits.

December 5, 2005
Revised February 6, 2006

POLICIES AND REQUIREMENTS FOR NEW CONSTRUCTION:

MOBILE HOME RESTRICTION POLICY:

Mobile homes are not permitted in Cumberland Cove according to our covenants and ECC rules. This restriction is an effort to protect the property values of Cumberland Cove homeowners.

MODULAR AND ALL OTHER NON-TRADITIONAL HOME CONSTRUCTION:

If the property owner plans to place a pre-manufactured modular or other non-traditionally constructed home on his/her property, it must be demonstrated that the home will not have a steel frame undercarriage, and that the home will not carry a US Government Housing and Urban Development Approval placard. Such undercarriage and labels will be evidence that the home is a mobile home and would therefore not be permitted in Cumberland Cove.

If the property owner plans to utilize any pre-manufactured or other non-traditional construction process the property owner or owner/builder is **strongly advised** to withhold commitment to purchase any such home until the structure and positioning of the proposed home has been reviewed and approved by the ECC. After ECC approval and purchase of the home, the property owner must notify the ECC seven (7) days prior to delivery to allow an ECC representative to be present to observe delivery operations.

Effective April 10, 2018

CULVERTS:

The ECC requires a 15" diameter by 24 ft. in length culvert of corrugated steel, concrete or of another county approved material. However, your county may require a culvert of larger dimensions and in some cases no culvert at all. In that case the ECC requires written proof from the Road Commissioner in your county that in their opinion a culvert is not necessary. If a property owner stakes out the entrance to their driveway in advance, then buys their culvert, they can arrange through their county (Putnam County only) Road Commissioner to have a road crew pick up the culvert and deliver it to your job site. The road crew will entrench the culvert and provide one truckload of crushed limestone to bury the culvert without charge. In some situations additional culverts may be necessary to address other persistent drainage problems.

RIGHT-OF-WAY/EASEMENTS:

The Right-of Ways in Cumberland Cove fall under the operational control of Cumberland Cove POA. Work other than general utilities must conform to the rules of Cumberland Cove.

When a property owner contracts with a utility or sub-contractor to perform work on any right-of-way that will require the downing of trees along the easement, the property owner originating the work will be responsible for the restoration of the easement. This will include, but not be limited to tree removal, and ground restoration. The practice of leaving dead trees on our roadsides is not in keeping with our commitment as a Fire Wise community. Placement of lumber, building supplies, portable toilet facilities, etc. shall not be placed on the Right-of-Way/Easements without the express approval of the ECC.

Effective August 7, 2007

DRIVEWAYS:

No steel track heavy equipment may be loaded or unloaded on any of our county roads. During excavation contractors should exercise additional care in keeping the ditch lines and shoulders free of debris. Any disturbance to pre-existing drainage that results in soil erosion becomes the property owner's responsibility to remedy the condition.

To prevent mud from the work site being deposited on our roads, a substantial roadbed of limestone gravel or shale should be provided as soon as the trees are removed from the driveway. It is the property owner's responsibility to insure that their contractor adheres to this policy.

The Tennessee Forestry Service recommends that entrance gates or columns be at least 15 ft. wide to facilitate unhindered access to your home site. They further recommend a driveway be a minimum of 12 ft. wide and provide a turn around to accommodate fire equipment and other emergency vehicles.

December 5, 2005

Gates and entrances on driveways must be dimensioned from the property lines. Set back from the front line must be four (4) feet or greater from the property line to the closest part of the gate or entranceway. Set back from the side property line must also be four (4) feet or greater from the property line to the gate, entrance or driveway. All gates must open into the property and not towards the road. They must allow a minimum of 15 feet width for the entrance of emergency vehicles.

Effective July 1, 2014

TREE PRESERVATION:

Regardless of the size or scope of the work performed on your property, it must be performed in a manner that minimizes the destruction of mature healthy trees. Therefore, the practice of clear cutting or the indiscriminate removal of mature trees is not permitted. Under no circumstances can anymore than 50 percent of the original existing trees be removed for any reason without the Environmental Control Committee or the POA board's approval.

In an effort to help prevent property damage caused by forest fires, the fire prevention officials recommend a 30 ft. area around your residential dwelling be cleared of trees and shrubs. Should you select this option the area should extend from your residential dwelling's exterior walls to the surrounding tree line. Although this option addresses fire safety, it does not address the additional hazard of large trees falling on your home. To address this hazard, property owners also have the option to remove trees that are a potential danger to life and property.

Without exception dead or mature trees large enough to be hazardous to life and property may be removed for a distance extending out 100 ft. from the exterior walls of your residence.

If additional structures are erected, only those trees necessary for construction may be removed, in which case the 100 ft. safety zone does not apply.

Should your plans include a pond, horse corral, or pasture, you have the option to remove those trees within the designated area, providing the designated area for a pond, horse corral, or pasture meets all other requirements.

Under no circumstances may a property owner extend their safety zone beyond the property line shared with a neighbor.

The owner of any lot contiguous to England Cove or Icy Cove shall have the right to maintain any foliage, and to cut back any trees obstructing his view, which are within this property and are within 250 feet of his lot. ECC approval is required, and how the tree debris will be disposed of should be noted on the plan application.

December 5, 2005

Revised August 7, 2007

Davidson Cove is a private property and owner's permission must be obtained before anything is done on their property. **England Cove and Icy Cove** are owned by North American Zoological Foundation and are protected by deed restrictions. The Cumberland Cove POA is the sole authority on any and all activities with-in these two Cove areas as stated plainly in the deeded restrictions. Also ECC rules are clear on tree removal in the Cove proper.

However, the ECC is empowered to grant variances for extreme circumstances. Furthermore, as stated in item number 6 of the deed restrictions of the North American Zoological Foundation, stiff fines and or other punitive action can be expected if violations occur.

Effective December 5, 2006

CLEARING & BURNING:

Cumberland Cove is a nationally recognized **FIREWISE** community. This means the residents who live here among the forest fuels take the threat of wildfires seriously. Everyone is committed to the safe disposal of woody vegetation (live or dead trees, fallen limbs, leaves, pine needles, etc.) removed prior to or after home construction. Whether you're a contractor, a current resident, or future resident you are advised that burning permits are required from **October 15th through May 15th inclusive**, which is the wildfire season in Tennessee.

Wildfires are always a concern in Cumberland Cove, and persons found guilty of causing a wildfire are subject to fines or criminal charges. Therefore, property owners are advised to familiarize themselves with section 39-14-304 and section 39-14-305 of the Tennessee Wildfire Laws. (A booklet containing the Tennessee Wildfire Laws is available at the Welcome Center.) Furthermore, if you are found guilty of being responsible for creating a wildfire, you may be held liable for the damage it causes to surrounding property. Therefore, it is extremely important for property owners, campers or contractors to obtain county approval before burning. **Under no circumstances is it permissible** to burn toxic waste, rubber, paint, asphalt shingles, and other objectionable material. Burning on the right of way is not desirable.

For a burning permit in Cumberland County call 931-484-4548; for a burning permit in Putnam County call 839-2328. Burning without the required burning permit is punishable by law.

CONSTRUCTION PRACTICES:

The ECC recommends that property owners use licensed and adequately insured contractors. Contractors that are licensed in Tennessee have a dollar amount restriction placed on their license. Therefore, be sure your contractor has a state license issued with a dollar amount equivalent to the value of the home or structure you plan to build.

*When submitting building plans for new home construction, **the contractor's name, your Unit, Block, and Lot must appear on the plans.** It is the property owner's responsibility to insure that they or their contractor obtain all required permits.*

Both counties currently require a building permit; they have building codes and inspectors to enforce them. Permits must be obtained prior to construction and posted on the job site.

You must obtain an electrical permit if you are planning to perform the electrical work yourself. Otherwise a licensed electrical contractor is required to obtain the permits for all of your electrical work. For all new home construction you must have a state inspection of your septic system site. Obtain a septic system permit from the authority listed on page two (2).

December 5, 2005

Revised March 6, 2012

All additions constructed with guest quarters shall be part of the original home. The additional guest quarters must be connected to the original building by a common interior entrance and exit. All other buildings cannot be used as a living unit.

Approved February 7, 2012

BLASTING:

The ECC has no jurisdiction pertaining to explosives that are used for whatever purpose by property owners. Explosives are a federal and state controlled industry subject to all governmental rules, regulations, and procedures.

In situations where the use of explosives is the only option to build, property owners are advised to familiarize themselves with the hazards connected with explosives. For example, rock formations may be violently disrupted causing wells to collapse, damage to adjoining properties, and in some cases cause ponds to drain dry. Consequently, as a courtesy to your neighbors, the ECC requires that you provide a 48 hrs notice to your surrounding neighbors prior to blasting.

HOUSEKEEPING & TOILET FACILITIES:

Every effort must be made during construction to keep the building site orderly; building debris must be deposited in a construction dumpster or trailer.

Temporary sanitary facilities (port-a-potties) are mandatory and must be provided at new home building sites **prior to beginning construction, and until all phases of construction are completed.**

During construction building materials must be stacked in an orderly fashion and preferably away from the building site entrance. Job site security for building materials, tools or other equipment is the sole responsibility of each individual contractor. Toxic materials must be removed from the job site. Under no circumstances is it permissible to bury toxic waste material, or any other waste building materials.

Neighboring properties are to be respected at all times; depositing construction debris, woodland debris or any other offensive material on a neighbor's property is strictly prohibited and subject to fines.

Effective December 5, 2005

EXTERIOR TREATMENT OF FOUNDATION MASONRY BLOCKS:

All non-decorative concrete masonry block foundations visible from the road must be painted or have a stucco finish applied. The minimum ECC acceptable treatment for masonry block shall include painting.

Note!

Construction changes that no longer correspond to the original plans submitted to the ECC for approval must be resubmitted to the ECC prior to proceeding with those changes.

REQUIREMENTS FOR POND CONSTRUCTION:

The set back restrictions used for permanent structures also apply to ponds. However, the 20 ft. setback in this case is measured from the base of a pond's dam or the edge of the pond. The 40 ft. setback from a county road is also measured from the base of the dam or the edge of the pond. *You must identify the source of water for the pond; run-off is not a reliable source of water.*

Effective December 4, 2007

Prior to constructing a pond, property owners must consult the U.S. Natural Resources Conservation Service field office. This office in your County can provide an experienced professional to assist you prior to the construction of your pond. However, the most important step in building a pond is selecting a highly

recommended excavating contractor to perform the work. A dam may require a certificate by a licensed civil or hydraulic engineer.

The proliferation of ponds in our community has contributed to a noticeable increase in the population of mosquitoes. This increased mosquito population has become a serious concern, especially now that there have been deaths reported in Tennessee from the West Nile Fever. Because of this problem and the knowledge that ponds require ongoing maintenance, the ECC will no longer approve the construction of a pond to part time residents. A property owner must be a full-time resident of Cumberland Cove before pond construction can begin.

Effective December 4, 2007

Proper pond maintenance requires stocking of fish that feed on mosquito larvae, chemical treatment for insect control, and an aeration system to control algae. Regardless of your residential status, if you have a pond you are responsible for its upkeep and maintenance.

Should a property owner fail to maintain their pond, it will be necessary for the Property Owner's Association to maintain the pond for them. The POA will take whatever action is appropriate to correct the problem, and will do so at the property owner's expense.

U.S. Natural Resources Conservation Service Field Offices:

Cumberland County Office is located at 314 Old Jamestown Road Hwy (next to the post office), phone # is 931-484-5442 ext. 3. The district manager's name is Chester Bush and he is considered to be a pond expert.

Putnam County Office is located at 900 Bunker Hill Road, phone # 528-6472 ext. 3.

December 5, 2005

Revised December 4, 2007

FENCING AND GATE RESTRICTIONS:

The ECC and the Property Owner's Association have voted unanimously to **BAN the use of fencing materials used in Cumberland Cove that could cause physical harm.** This restriction includes Barb Wire, Razor Wire, or any other type of wire that may result in injury to humans or animals.

Gates and entrances on driveways must be dimensioned from the property lines. Set back from the front line must be four (4) feet or greater from the property line to the closest part of the gate or entranceway. Set back from the side property line must also be four (4) feet or greater from the property line to the gate, entrance or driveway. All gates must open into the property and not towards the road. They must allow a minimum of 15 feet width for the entrance of emergency vehicles.

Effective July 1, 2014

Property owners who require a fence erected within a specific area must provide a plot plan indicating the location of the area and its purpose. All fencing and or gates must be approved by the ECC.

Revised March 6, 2012

HORSES:

Only two (2) horses are permitted on a four (4) acre lot or larger. No horses are permitted on any lot smaller than four (4) acres. In the event there's a birth of a foal, the foal is permitted until such time as the foal is fully weaned.

In any event, no horses may be kept on any lot unless the horses are contained in a fence or walled-in area approved by the ECC. The fence shall be a minimum of (100) ft. from any exterior lot line; the area cleared shall comply with the 50% rule.

NON DOMESTIC ANIMALS:

Animals normally recognized and usually considered to be barnyard animals are **not** permitted within the boundaries of Cumberland Cove. This rule applies to domesticated farm animals or other exotic animals normally not recognized as household pets. The exception to this restriction is horses and household pets such as dogs or cats.

PET NUISANCE COMPLAINTS:

No pet should become a nuisance to your neighbors or the community. Domestic pets are subject to community standards regarding sight, sound and smell. Although we live in an isolated community, there are Tennessee State leash laws in place and must be observed at all times. All nuisance complaints must be in writing on the ECC complaint form and submitted to the ECC. **(See Guidelines and Complaint form, Appendix F)**

GENERAL RESTRICTIONS:

OUT-BUILDINGS:

Portable Sheds and On-site built Sheds and Garages:

A portable shed or garage is built off-site and transported to a designated location that has been pre-approved by the ECC. Property owners are advised to obtain ECC approval prior to purchasing portable sheds or before starting construction of on-site building of sheds or garages.

On-site built sheds and garages will be reviewed by the ECC. Building plans and placement must comply with existing Covenant and ECC Red Book, page 4, regarding "Non-traditional structures." All such structures shall be completely enclosed and access entries will be fitted with doors.

Property owners are advised that when plans to exceed two (2) such structures on a single lot, the ECC will evaluate the request to insure that all such structures are consistent in construction, color and style.

If the property owner's plan is to place more than two (2) such structures within view from a neighbor's property his/her request for an ECC Permit must be supported with a letter from each of the adjoining neighbors or property owners, specifying no objection to the additional structure or structures. Prior to approval, the ECC will also review the overall aesthetics of such structures when viewed from the street.

Prohibited Uses of Out-buildings: None of the structures described above may be used as living (or camping quarters) at any time.

Prohibited Structures: Free-standing or attached open-sided structures such as farm equipment sheds, carports, pole supported roofed shelters, dome shaped metal (or other material) structures and pipe-supported tarpaulin-covered structures are all explicitly prohibited in Cumberland Cove.

Effective May 8, 2018

SIGNAGE:

Directional and Real Estate signs located on roadways within the boundaries of Cumberland Cove are **not** permitted. Temporary signage announcing open houses, yard sales, political campaigns, etc. may be permitted on the roadways with ECC approval. Temporary approval is granted for a period not to exceed two (2) weeks; at the end of the two (2) weeks all signage must be removed.

Effective December 5, 2005

YARD SALES: May be held under the following conditions:

1. Weekends only (Fri, Sat, Sun)
2. No more than 2 times per calendar year
3. Signage can only be placed two (2) days prior to sale and must be removed immediately.
4. Must be completely on the owner's property and not on the easements
5. Operational hours are to be between 7am and 5pm.
6. Owner's name must be on all signage

Effective September 22, 2009

Real Estate signs shall not exceed the maximum size of 24" X 36". Signs for vacant lots must be placed at the tree line and parallel to the road. Signs for personal residences may be placed perpendicular to the road at the tree line, and homeowners are responsible for keeping the area neat and mowed.

Effective March 6, 2007

Realtors are restricted to one (1) sign per property unless the property falls under the category of a dual listing. Realtor signs must be removed within (30) days following the sale, or (30) days from the expiration date of the listing's contract.

Builder's signs are permitted for one general contractor only, and must be removed immediately after the job or residence is completed.

RECREATIONAL VEHICLE PARKING:

Recreation Vehicles may be used as a temporary residence during construction. However, prior to construction you must obtain written permission from the ECC before doing so. No Recreational Vehicles may be used as a residence once home construction is completed.

******NOTICE******

SPECIAL REQUIREMENTS FOR RECREATIONAL VEHICLE PARKING is DOCUMENTED IN THE COVENANTS (9.3 & 9.4). THE COVENANT INTERPRETATION OF SECTION 9.3 & 9.4 is SHOWN AS APPENDIX G IN THIS DOCUMENT.

Refer to the interpretation of Existing Covenants by the ECC/Board of Directors and reviewed by the Cove's attorney; approved by the Board of Directors at the July 7, 2009 Board meeting.

See Appendix "G"

Revised March 6, 2012

CAMPING:

In the interest of safety, campers are advised to notify the office staff at the Welcome Center in advance. The duration of camping stays in Cumberland Cove are restricted, and not permitted to extend beyond a (30) consecutive day period. Campers are required to remove trash and provide suitable means for disposing of sanitary waste. **No Open Camp Fires Are To Be Left Unattended.**

*December 5, 2005
Revised August 17, 2009*

LIGHTING:

The use of lighting in the Cove shall comply with the following:

Lighting, other than building lighting (i.e. above the garage door type) shall not be more than 15 feet from ground level and should be positioned in such a manner as not to shine on a neighbor's property. This will prohibit the use of the VEC pole mounted street type lights. All lights of this type now in use will be grandfathered, but will require the use of shielding to prevent glare or other objectionable problems with the neighbors or the community in general.

Lighting used on buildings for security purposes should be on a sensor so they are not on continuously. The use of entrance way or driveway lights is permitted, but wattage should be kept to a minimum for the same reasons mentioned above. The intention of this rule is to keep lighting subdued, indirect and minimal.
Revised September 2, 2008

HOUSE ADDRESS NUMBERS:

The ECC recommends that you obtain your house number from your county's (911) office as soon as possible. The ECC application form requires your street address. Having the number located at the entrance to your driveway will facilitate finding your property during construction of your home, and aid emergency vehicles responding to a 911 call regardless of the cause.

ECC APPEAL PROCESS:

The ECC endeavors to formulate their decisions based on the initial documents the property owner submits for approval, and the impact the request will have on the community. From time to time our decision or interpretation of the covenants disagrees with those of the property owner. Therefore, whenever ECC approval is denied, as a property owner you are entitled to appeal that decision.

To begin the appeal process, submit your written appeal at the Welcome Center. Address your appeal to the Chairperson of the ECC, and explain the reasons you disagree with the decision. If possible your appeal will be placed on the agenda of the next scheduled ECC meeting, which you are welcome to attend.

In the event the ECC again denies your appeal, you have the option to request a hearing before the Property Owner's Association Board. Should the board support the decision to deny your request the outcome of that hearing will be final.

December 5, 2005

Conflict of Interest

If any member of the ECC files a request for ECC review and approval of a proposed project requiring ECC authorization to proceed, that member must not participate in the committee vote on the project approval and must not be a signer of the ECC authorization letter approving the project. In addition, the ECC Chairman shall not assign that member the duties to oversee the progress, through completion, of that project to insure compliance with ECC rules and Cumberland Cove Covenants and Restrictions.

Effective: November 12, 2013

ENVIRONMENTAL CONTROL COMMITTEE APPENDIX C

ECC SURVEY ACKNOWLEDGEMENT FORM

Due to various problems concerning boundaries of real estate property in Cumberland Cove, the POA finds it necessary to require a survey of each lot when building a new home.

Each home owner, for his or her own protection, should have a certified survey of their property as prudent insurance that they are building on property they own and not violating any boundary requirements of the POA or their neighbors.

When constructing any improvement on your property the ECC wants to be sure; you are aware of your boundary markers and physically view all corner iron pins marking the boundaries of your property.

Please sign in the space below that you have personally seen the marker pins and confirm that they represent your property borders.

Property owner_____ Date_____

POA Witness_____

Revised November 4, 2003

ENVIRONMENTAL CONTROL COMMITTEE

APPENDIX D

Proposed Pond Owner:

Address:

Unit Block Lot

Draw an outline of the pond to scale on attached copy of your survey plot

Please describe your Source for Water

Springs to feed pond

Yes No

Run-off area adequate to fill the pond in Dry

Weather

Yes No

Describe spillway construction

Distance of pond from all property boundaries

Pins set on pond boundary

Yes No

Trees to be removed outside of the pond boundary are marked

Yes No

In case of an emergence, will you allow the firefighters to obtain water from your pond?

Yes No

Photo Records before construction & after completion are to be included in the file

Special Attention Required;

ECC Inspection of the Pond site is Mandatory, additionally all ponds must be maintained. Ponds that are not treated to control mosquitoes (use fish or chemicals + weed control) will be treated by the POA and the owner will be charged for the services in accordance with Board approved ECC requirement. **NO CHANGE** in pond construction is allowed; any changes must be re-submitted to the ECC for approval before construction can begin.

Note: This form is to be completed by the ECC or Conservation Agent performing the pond site inspection. Copy to inspector & the completed inspection copies are filed with owners and ECC file.

Inspecting Agent's Observation & Conclusions:

ECC or Agent Signature and Date

Owners Signature and Date

ENVIRONMENTAL CONTROL COMMITTEE APPENDIX E

Disclaimer: No approval of plans, specifications, or request for permission to make improvements to property and no publication of design standards pursuant to the terms of the Declaration of Covenants and Restrictions for Cumberland Cove (the Declaration) by the Environmental Control Committee (ECC) shall be construed as representing or implying that such plans, specifications or standards will, if followed, result in properly designed improvements. Such approvals and standards shall in no event be construed as representing or guaranteeing that any Living Unit or other improvement built in accordance therewith will be built in a good workmanlike manner. The Cumberland Cove Property Owner's Association and the ECC shall not be responsible or liable for (i) any defects in any plans or specifications submitted, revised, or approved pursuant to the terms of this Declaration; (ii) any loss or damages to any person rising out of the approval or disapproval of any plans or specifications; (iii) any loss or damage arising from the non-compliance of such plans and specifications as with any governmental ordinances and regulations; (iv) any loss or damage arising from failure of the Association to inspect the permitted improvement; nor (v) any defects in construction undertaken pursuant to such plans and specifications. The Cumberland Cove building rules are not intended and shall not create any rights in any third party.

February 18, 2008

ENVIRONMENTAL CONTROL COMMITTEE

APPENDIX F

COMPLAINT FILING PROCESS:

The ECC has the power to enforce all the articles under Sections 6, 9, and 11 of Cumberland Cove's Covenants, as well as all ECC rules and regulations. This also covers complaints filed by a property owner against another property owner.

1. Complaints must be written and you obtain a complaint form at the Welcome Center.
 - a. It should be noted that every effort should be made to settle any dispute with a neighbor before involving the ECC. If this has been done and the problem still exists, a complaint form must be filled out completely before the ECC will review and take whatever action is deemed necessary.
2. The ECC will not disclose the person making the complaint unless it becomes necessary.
3. The ECC may share information with the Board of Directors and/or Security as deemed necessary.
4. If the ECC feels the offender is not complying with the action requested by the ECC, the matter will be referred to the POA Board for further action; this can include a fine or court action.
5. Complaints initiated by the ECC will not require a written complaint form to be filled out because of its mandate to enforce the articles, rules and regulations mentioned above.

Revised October 30, 2009

E.C.C. Complaint Form

Date Received: _____ By: _____

Referred to the following Committee(s):

ECC _____Roads _____Security _____Common Properties_____

Location of Complaint: Street Address _____

(or) Unit _____Block _____Lot _____

Nature of complaint (describe): _____

What efforts have you made to resolve this problem on your own (see App F)

Person making complaint _____ Phone No: _____
(required)

Committee Member complaint referred to: _____ Date: _____ By: _____

Committee Member’s findings and **action taken**: _____

Follow up: _____

Referred to POA Board: _____

ENVIRONMENTAL CONTROL COMMITTEE

APPENDIX G

RECREATIONAL VEHICLES: (parking)

Purpose: The following provides information and guidelines regarding Cumberland Cove Property Owners' Association (POA) regulations concerning the parking of recreational vehicles. While recreational vehicles are welcome in the Cove, the Covenants regulate the parking of these vehicles so that they do not become a nuisance to other property owners and that the community standards for sight, sound, and smell are maintained as encompassed by the Cove's governing documents.

Source document: Declaration of Covenants and Restrictions for Cumberland Cove Property Owners' Association (Covenants) Section: 9.3 Prohibited Residential Structures and Section: 9.4 Parking

The Covenants (9.3) define a recreational vehicle as, "every licensed vehicle and conveyance designed, used or maintained primarily as a travel trailer, motor home, camper, boat and boat trailer, or other similar use." The Covenants (9.4) permit the parking of these vehicles provided they are kept inside a garage (POA approved structure for this purpose) or are hidden from view by neighbors or from the street (moved to an out of sight location). They must not be a nuisance and must conform to the communities' standards for sight, sound, and smell.

Enforcement: The POA Board has the "standing" to enforce this restriction as does any property owner. The Environmental Control Committee (ECC) has been appointed by the Board to review and request compliance with these regulations including complaints which have been properly filed. If the complaint that the vehicle is a nuisance has been upheld, it must be placed in an approved garage, moved to an out of sight location, or removed from the subject property.

As mentioned, the Covenants state these vehicles must be hidden from view by neighbors or from the street and that any property owner is considered a neighbor with the standing to "enforce" these restrictions. Accordingly, if a subject vehicle is visible from the street, the ECC will accept reasonable complaints from any property owner. If however, a subject vehicle is not visible from the street then the ECC will only accept reasonable complaints filed by an adjacent neighbor as discussed in section 9.4 of the Covenants. Notwithstanding the right of others or the POA to enforce these restrictions concerning sight, sound, and smell, an adjacent neighbor is defined as any property owner who can see, hear or smell the "nuisance" from their property.

It is important to remember that the standing of neighbors to enforce restrictions is protected and that complaints could be filed in the future as neighbors change resulting from the sale of homes/lots and due to new construction. Failure to enforce these restrictions in the past does not prohibit enforcement in the future.

This information is not intended to discourage property owners from owning and enjoying recreational vehicles. It is intended to familiarize all property owners with a clearer view of your community's regulations in this area and avoid misconceptions regarding property use. It is also intended to ensure that Recreational Vehicle owners have an enjoyable ownership experience without unnecessary complications due to a lack of awareness of Cove restrictions.

This document has been reviewed and approved by the Cumberland Cove attorney June 2009.

Approved by the Board of Directors Cumberland Cove P.O.A. July 7 2009

**ENVIRONMENTAL CONTROL COMMITTEE
APPENDIX H**

Date Received _____
By _____

**DATA NEEDED BY ENVIRONMENTAL CONTROL COMMITTEE PRIOR TO
CONSIDERATION FOR APPROVAL**

Revised February 22, 2011

Note: Environmental Control Committee must meet, review and give written approval before any work can begin on requested projects. (ECC meets on the 1st & 3rd Monday of each month)

Approval Request Checklist:

Proof of ownership _____

Copy of County Building Permit (Cumberland & Putnam) _____

Current on all assessments and fees (*office check of records required*) _____

Modular Home _____ **Delivery Date** _____

Tennessee Environment & Conservation Survey for Septic System _____

Map of the lot: include location of all improvements on map (**mark setbacks and easements** for proper distance from boundaries) _____

Tree removal plan _____

Building plan for all requested projects (showing dimensions of Buildings and outside construction materials) _____

Certified Property Survey required for all new home construction _____

House number & property owner signature on Approval Request _____

Professional Pond Site Appraisal Worksheet (Review ECC rules) _____

Building plans with copy of front, rear and side elevations _____

Revised February 5, 2018

ENVIRONMENTAL CONTROL COMMITTEE

APPENDIX J

Date of request _____ Unit _____ Block _____ Lot _____ Owner Name: _____

House Number _____ Street Name _____ Is this a bluff lot? YES or NO

Owner mailing address _____

Owner home phone _____ Cell phone _____

Contractor/Company Name _____ State License Number _____

Contractors Address _____

Contractors Home phone _____ Cell Phone _____

License information: www.state.tn.us/commerce or call 1-800-544-7693

Estimated start date _____ Estimated Cost _____

Please check all that apply

Using a site survey please draw location of all buildings, driveway, and septic field. Distances from property lines must be shown in feet. Pond location and surface area must be shown. All trees to be removed must be marked on your property.

___ Install Driveway

___ Indicate site and describe completely trees to be cut for building site _____

___ Construct house: Number of floors _____ Total heated living area in sq ft. _____

___ Type of construction _____ Roof type _____ Roof Color _____

___ Exterior materials _____ Building Color _____

___ Is this a Modular Home Yes _____ or No _____ If yes what is delivery date _____

___ Construct outbuildings.... provide description, dimensions and sq. ft. _____

___ Attach a Drawing or Building Plan.

___ Install fencing (See fencing restrictions page 10.)

___ Construct a Pond **Special pond application is necessary. Please ask!!**

___ Make changes to existing property or buildings. Describe changes _____

___ Permission to reside in a temporary travel trailer, RV, motor home on the property during construction

___ Permission to camp on your property for more than 30 days

SPECIAL RULES APPLY TO RECREATIONAL VEHICLE PARKING, SEE APPENDIX G AND COVENANTS 9.3 & 9.4.

Owners/Contractors....no unattended fires are permitted in the cove.

The setback requirements are 40 feet inside the property line running adjacent to a county road and 20 feet inside all other property lines.

1. I certify that this request complies with these setback requirements. I also certify that I am in possession of the current property restrictions and have reviewed them. I also certify that I have a current property survey as required before building. I also understand that all work submitted to the ECC must be approved before any work can begin. I understand there will be a fine, and possible criminal charges for any unapproved or unattended fires.
2. I certify that the Owner is aware of all POA Covenants and Restrictions regarding parking of all travel trailers, recreational vehicles, boats and utility trailers. (See Cove Restrictions para. 9.3 and 9.4)

Property Owners Signature Date

Licensed Contractor

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(Revised April 17, 2017)

ECC Plan Approval Check List.

Name: _____

Address: _____

I have verified the following:

Survey and site layout.

Drive way location with drainage pipe.

Building plans. To include size, color, exterior material.

Area and amount of trees to be removed (in feet and number)

Septic field location.

Ancillary building locations and dimensions. (Including sq.ft.)

Pond location & Dam locations with setbacks – refer to

Pond Conservation agent inspection form.

List any and all concerns about this application: _____

Concerns discussed and resolved. YES or NO

Follow-up required. YES or NO

I have seen and inspected all of the above mentioned documents, and find no reason not to approve this request, if the information was accurately provided by the owner or his/her agent.

Committee Members: (majority of 5 needed)

Elton Warren _____
Chairman

Terry Moul _____

Mike Deonna _____

John Robbins _____

Marsha Johnson _____

Valerie Sizemore _____

Bob Melgar _____

Dennis Ward _____

Steve Miko _____

APPROVED YES or NO

Date _____

Checklist for discussions with Building Contractors

Introductions:

- _____ Exchange phone numbers
- _____ Provide Contractor with a copy of the Red Book
- _____ Describe ECC responsibilities in one or two sentences
- _____ Ask contractor if he has any questions for the ECC
- _____ Ask for location of sign board for permits, inspection records, etc.
- _____ Post ECC permit and ECC representative card on the sign board

Safety on Job Site:

- _____ Worker Parking Plan to keep roadway clear
- _____ Organized Material Storage Plan
- _____ Porta-potty for workers
- _____ Debris Collection and Removal Plan
- _____ Remind workers to pick up all litter (paper, food, etc.)
- _____ **No Unattended Fires** – Fire Protection Plan (pg. 8 ECC Red Book)
- _____ Contractor responsible for damage to road/right of way
- _____ No animals allowed on property except owner's pets

Protection of Neighbor Property and Public Use Areas:

- _____ Silt fence to protect roads, creeks, neighboring property from runoff
- _____ Culvert size, length, and placement plan
- _____ Clearing plan – building footprint, driveway
- _____ Verify property lines, set-backs on all 4 sides of property

Unique Characteristics for Project:

- _____ Any plans for a pond – If so review Red Book pages 9 and Appendix D
- _____ Does the type of construction require unusual steps
- _____ Will any blasting of rock be necessary – Are Permits Required?
- _____ If unusual noise will occur, please advise neighbors
- _____ Worktime hours are from 7:00 am to 7:00 pm

Signatures and Date:

Contractor/Owner

ECC Representative