

**RESOLUTION OF THE EXECUTIVE BOARD OF THE RESERVE AT  
HERSHEY MEADOWS CONDOMINIUM ASSOCIATION  
ADOPTING POLICY No. 1 of 2014  
REGARDING ARCHITECTURAL RULES AND REGULATIONS**

This Resolution is adopted by the Executive Board of The Reserve at Hershey Meadows Condominium Association on the 13<sup>th</sup> day of November, 2014 and is effective immediately.

**RECITALS:**

The background of this Resolution is as follows:

R.1. The Reserve at Hershey Meadows Condominium Association (the "**Association**") is responsible for governance and maintenance of the residential planned community commonly known as The Reserve at Hershey Meadows Condominium located in South Hanover Township, Dauphin County, Pennsylvania (the "**Community**").

R.2. The Association exists pursuant to the filing of the Declaration of Condominium of The Reserve at Hershey Meadows, a Condominium dated May 14, 2004 and recorded in the Recorder of Deeds Office of Dauphin County, Pennsylvania on May 18, 2004 in Record Book 5505, Page 307 (as amended, the "**Declaration**").

R.3. The Association is governed by provisions contained in the Declaration, the Bylaws of The Reserve at Hershey Meadows Condominium Association (the "**Bylaws**") and by the provisions of the Pennsylvania Uniform Condominium Act, 68 Pa.C.S. §§3101 – 3414 (as amended, the "**Act**"). The Act, Declaration, Bylaws, and all enacted Rules and Regulations of the Association shall constitute the "**Governing Documents**."

R.4. The Executive Board of the Association (the "**Board**") is authorized, pursuant to Article XIV, Section 3 of the Declaration to appoint members to an Architectural Control Committee (the "**ACC**"), to review applications for any change, modification, repair, renovation, reconstruction, improvement or addition to any weight bearing member of a Unit, to any exterior portion of any Unit, to any Common Element, Limited Common Element or to any Building in the Community in order to preserve the harmonious and attractive appearance of the Community. Notwithstanding the provisions of Article XIV, Section 3 of the Declaration, the ACC is only authorized to make recommendations to the Board as to whether any architectural review application should be approved, denied or modified as set forth in Article XIV, Section 9 of the Declaration.

R.5. Pursuant to Article XIV, Section 4 of the Declaration, the Board has the power "to adopt, amend and/or withdraw from time-to-time, as the Board may deem appropriate, such Architectural Rules and Regulations as are not in conflict with the provisions of the Declaration."

R.6. The Board desires to appoint members to the ACC and adopt standard Rules and Regulations regarding architectural review of changes to the applicable portions of the Community. All capitalized terms herein shall have the meaning attributed by this Resolution or by the applicable Governing Document.

NOW, THEREFORE, the Board hereby forms the Association's Architectural Control Committee by the appointment of the members thereof and adopts the following rules and regulations for the Community (the "**Architectural Rules and Regulations**"), which shall be binding upon all Unit Owners and their grantees, lessees, tenants, occupants, successors, heirs, and assigns who currently or in the future may possess an interest in the Community, and which shall supersede any previously adopted rules or regulations on the same subject matter.

**I. Architectural Control Committee**

a. **Members of the Committee.** The following shall constitute the members of the ACC, vested with the authority of the ACC pursuant to the Governing Documents and the guidelines set forth herein (if not completed or appointed by further action of the Board, the entire Board shall act as the ACC and shall forego the recommendation process set forth below):

- i. \_\_\_\_\_
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_

b. **Powers of the Committee.** The ACC is hereby vested with the power to review plans and specifications submitted by any Unit Owner pursuant to Article XIV, Section 8 of the Declaration. The ACC shall make a written recommendation to the Board within thirty (30) days of receipt of a completed application. The failure of the ACC to make written recommendation to the Board within thirty (30) days of receipt of a completed application shall be deemed a recommendation to deny the application. The ACC shall have the power to determine, in its reasonable discretion, whether an application is complete, provided however, that the applicant shall be notified of any incomplete applications as soon as practical, which notice shall include the additional information or materials necessary to constitute a complete application. A majority vote of the members of the ACC shall constitute the recommendation of the ACC. For each application, the ACC may recommend:

- i. To approval the application as submitted;
- ii. To deny the application as submitted; or
- iii. To approve the application subject to such conditions as the ACC deems to be appropriate.

II. **Review Criteria.** The ACC shall evaluate each application on the individual merits of the application. The ACC should consider the various and appropriate criteria and

exercise discretion in determining which of these criteria will be governing in each specific application. In its review and recommendation to the Board, the ACC may consider any one or more of the following factors as the ACC deems to be relevant to the application:

- a. **Validity of Concept:** The basic idea of the exterior change must be sound and appropriate to its surroundings.
- b. **Landscape and Environment:** The exterior change must not unnecessarily destroy or blight the natural landscape or the achieved manmade environment.
- c. **Relationship of Structures and Adjoining Property:** The proposed change should relate harmoniously among its surroundings and to existing buildings and terrain that have a visual relationship to the change.
- d. **Protection of Neighbors:** The interests of neighboring unit owners should be protected by making provisions for such matters as surface water drainage, sound and sight buffers, preservation of views, light and air, and other aspects of design that may have substantial effects on neighboring property.
- e. **Design Compatibility:** The proposed change must be compatible with the design characteristics of the applicant's unit and with the general setting.
- f. **Materials:** Continuity is established by the use of the same or compatible materials throughout the Association.
- g. **Color:** Color may be used to soften or intensify visual impact. For example the color of a fence should blend in with the surrounding natural environment or be painted to be in continuity with the existing unit.
- h. **Workmanship:** The quality of work must be equal to or better than that of any existing structures. Poor practices may cause the owner problems and may be visually objectionable to others.
- i. **Timing:** A property change may be built or installed by the Unit Owners or a qualified contractor. However, projects that remain uncompleted for a long period of time are visually objectionable and can be a nuisance and safety hazard for neighbors and the community. All applications must contain a proposed maximum time period from start to completion of construction. If the proposed time period is considered unreasonable, the ACC may disapprove the application. As a general rule, minor additions should be able to be completed within 30 days whereas more labor intensive additions may take up to 90 days.
- j. **Other Permits.** The applicant is solely responsible for obtaining any and all building, zoning, and other permits from any federal, state or local governmental

entity. The ACC may conditional any approval on the applicant providing evidence of all such approvals.

III. **Additional Criteria.** In addition to the Review Criteria set forth above, For major structural changes, such as garages, additional rooms, additional stories or dormers, balconies, or major style innovations, the following may also be required the ACC may also require the following:

- a. Pre-design conference.
- b. Preliminary submittal of the following:
  - i. Letter of transmittal
  - ii. Preliminary drawings of the following, as applicable:
    1. Site Plan
    2. Floor Plans
    3. Elevations
    4. Roof Plan
    5. Sections showing the relationship of existing grades to floor levels to show how the building fits into the ground and how it relates to adjacent structures
    6. Landscape Plan
    7. Construction Schedules
  - iii. The ACC will act on the preliminary submittal and give notice to the applicant within thirty (30) days.
- c. Final Submittal of the following, as applicable:
  - i. Final Drawings of the following, as applicable:
    1. Location of storage site of building materials
    2. Temporary access for construction
    3. Existing and final grades for drainage and changes in topography
    4. Color chips of painted or stained exteriors
    5. Exterior material samples
    6. Means of disposal of surplus soil
    7. Landscaping plans, including erosion control and screening
  - ii. Proposed contracts
  - iii. The ACC will act on the Final Submittal and give notice to the applicant within thirty (30) days of submittal of all requested information.
- d. If deemed necessary by the ACC, the ACC may also require administrative oversight by an appointed member of the ACC, to include the following:
  - i. Notice of start of construction by the applicant
  - ii. Changes in construction during construction by the applicant
  - iii. Inspection during construction

- iv. Notice of completion by the applicant
- v. Final inspection
- vi. Certificate of compliance

#### **IV. Application Review Procedures.**

- a. Unit Owners must submit architectural review applications at least sixty (60) days prior to the anticipated date of construction, although the Board suggests as much additional advance notice as possible. The application shall be on the form provided by the ACC, a copy of which is attached hereto and shall be accompanied by such additional plans, materials and application sufficient to allow the ACC to properly review the application. The application shall include such information as type of materials, size, height, color, location, etc., and must provide a sketch of the location of a building, pen, or fence, as it relates to the unit. The Request for Review Form shall be delivered or mailed to the ACC at:

c/o Penn Equity Associates, Inc.  
P.O. Box 233  
Hummelstown, PA 17036

- b. In the event the ACC determines an application is not complete, the ACC shall immediately notify the applicant of the deficiencies and the additional information, plans or materials needed to properly review the application. This notice shall be given within fifteen (15) days after receipt by the ACC of the initial application. Once notice has been given, the ACC shall hold the application in abeyance for no more than thirty (30) days from the date of the notice to allow the applicant to submit the additional requests from the ACC. If the applicant fails to submit such additional requests within the thirty (30) day time period, the application shall automatically be deemed denied without further notice from the ACC.
- c. The recommendation of the ACC on any application shall be in writing and shall be delivered to the Board along with the completed application and supporting materials. The written recommendation shall also be mailed to the applicant by regular first class mail or hand delivery within thirty (30) days of receipt of a completed application.
- d. The Board shall review the recommendation of the ACC and act on the application within thirty (30) days of the Board's receipt of the recommendation of the ACC; provided however, that the failure of the Board to issue a written decision on the application within such thirty (30) days shall be deemed to be a denial of the application. The Board may give such weight to the ACC recommendation as the Board deems appropriate, may not unreasonably deny the application, and may:
  - i. Approve the application as submitted;
  - ii. Deny the application; or

- iii. Approve the application with reasonable conditions.
- e. The Board may hold a hearing on the application before making a decision, in which event the Board shall coordinate with the applicant and any other interested parties to set a date, time and place for the hearing. If a hearing is held, the Board shall have thirty (30) days after the end of the hearing in which to issue its decision on the application.
- f. The Board shall issue a written decision and shall hand deliver or mail the written decision to the applicant with the thirty (30) day time period.
- g. The conditions set forth in Article XIV, Section 14 shall automatically be made a part of every decision of the Board, regardless of whether they are specifically stated in the written decision.
- h. Decisions by the Board are final and subject to appeal only as set forth in Article XIV, Sections 12 and 13 of the Declaration. Any appeals of the decision of the Board must be filed no later than fifteen (15) days after the date of mailing or delivery of the decision and must contain specific details of the reasons for the appeal. The processing of any appeals shall be in conformance with the Due Process procedures of Article XXV of the Declaration.
- i. These Architectural Rules and Regulations are intended to supplement the procedures and provisions of Article XIV of the Declaration. Any discrepancies between the procedures in Article XIV and these Rules and Regulations are to be resolved in favor of the procedures in the Declaration.

**THE RESERVE AT HERSHEY MEADOWS CONDOMINIUM ASSOCIATION  
ARCHITECTURAL REVIEW REQUEST FORM**

I. General Information:

Name of Applicant:

---

Address for notification and contact:

---

Phone Number: (Daytime) \_\_\_\_\_ (Evening) \_\_\_\_\_

II. Details of Requested Improvement, change, alteration, addition or repair (information may be provided on attached sheets, drawings or plans – photographs or sketches of similar completed projects will aid in the consideration)(attach additional sheets if necessary):

Address of the Project (if different than the address in section I):

---

Nature of the Project:

---

---

Materials/colors/textures, etc. to be used:

---

---

Name of Contractor(s) (if known):

---

Expected start and completion dates:

---

Request for variance from provision of Declaration, Bylaws or Rules and Regulations of the Association (be specific as to the provision and the reason for the requested variance):

---

---

---

Other relevant information:

---

The undersigned applicant hereby requests review and consideration of this application by the ACC or the Board of the Association. The applicant hereby agrees to provide the ACC or the Board with any additional information requested and which the ACC or the Board (as appropriate) deems necessary to consider this application. The Applicant further agrees that the time for consideration of this application shall not begin to run until all such requested information has been provided. Applicant agrees to indemnify and hold harmless the ACC, the Board and their respective individual members, directors, officers, managers, attorneys, agents and employees, from any claims, damages, suits, or liability arising from the work to be done pursuant to this request.

---

Signature of Unit Owner(s)

---

Date

---

Signature of Unit Owner(s)



**INSTRUCTIONS:**

1. Please complete this Request form in its entirety
2. Attach copies of all plans, specifications, drawings, diagrams and municipal approvals, where applicable.
3. Prepare a sketch and/or a written description of the proposed improvement or change in sufficient detail so that the Architectural Control Committee can make a recommendation.
4. Include a site plan showing the location and other structures indicating where on the property the improvement is to be located. Include colors (samples appreciated) if siding or roofing is affected.

---

**For ACC/Board Use Only**

Date received by the ACC: \_\_\_\_\_

Recommendation by the ACC:

Approved as submitted: \_\_\_\_\_

Denied as submitted: \_\_\_\_\_

Approved with the following conditions:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date mailed/delivered to Applicant: \_\_\_\_\_

Date delivered to the Board: \_\_\_\_\_

Board Decision:

Approved as submitted: \_\_\_\_\_

Denied as submitted: \_\_\_\_\_

Approved with the following conditions:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date and manner of delivery of decision to the Applicant: \_\_\_\_\_

---