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ARCHITECTURAL COMMITTEE

REQUEST FOR APPROVAL GUIDELINES 2021



TABLE OF CONTENTS
REQUEST FOR APPROVAL GUIDELINES 2021

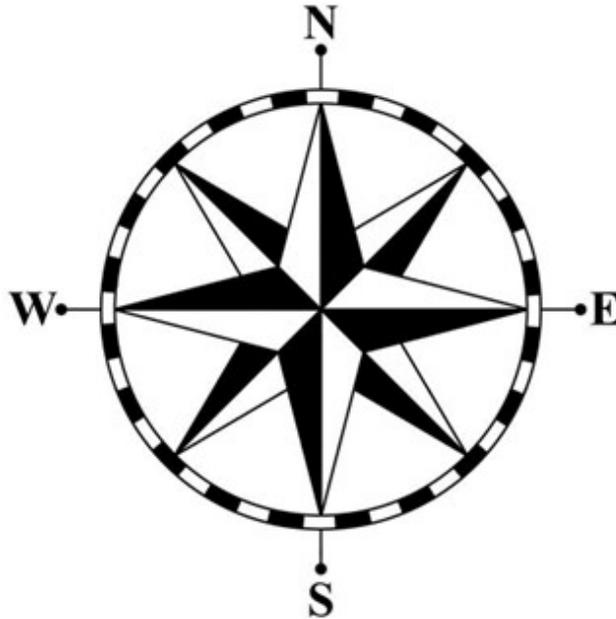


<u>Section</u>	<u>Page</u>
Summary of Changes	3
Introduction	4
1: Guidelines for New Homes and Additions	5
2: Guidelines for Modular Homes	7
3: Guidelines for Lot Clearing and Tree Removal	7
4: Guidelines for Post Construction Landscaping	8
5: Guidelines for Swimming Pools	10
6: Guidelines for Detached Garages and Detached Carports	11
7: Guidelines for Sheds and Gazebos	11
8: Guidelines for Pergolas	12
9: Guidelines for Aircraft Hangars	13
10: Guidelines for Metal Roofing and Metal Structures	16
11: Guidelines for Fences and Walls	18
12. Guidelines for Trash Receptacles	19
13. Sign Policy	19
14: Road Damage Repair Donation Request	21
Architectural Committee Form 2021	22
Appendix 1. Evolution of the Restrictive Covenants	26
Appendix 2. Restrictive Covenants Regarding Vehicles and Trailers	27

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Disclaimer: The Architectural Committee approval process does not address compliance with local, state, and federal government, including but not limited to the U.S. Army Corps of Engineers, regulations and laws regarding construction standards and requirements, permits, zoning, inspections, waste management and disposal, contractor licensing, and any other thing under the purview of the government. It is the responsibility of the property owner to comply with government regulations and laws.



Summary of Changes

Some sections were renumbered to accommodate new sections.

The Table of Contents was revised.

Guidelines for Metal Roofing and Metal Structures, that was previously issued 28 December 2020 as Amendment 1, was incorporated into the guidelines as a new section.

The guidance that, “The committee will only consider approving a metal roof when the house has a metal roof and it is the same color as the house roof,” was deleted. The Committee will now consider a metal roof under the guidelines in the new section on this subject.

Two new sections were added in response to questions and to requests for architectural guidance not covered in the previous publication. They are as follows:

Guidelines for Fences and Walls.

Guidelines for Trash Receptacles.

Two additional questions were added to the Architectural Committee Form asking does the detached garage or a shed match the house. Brief descriptions of the house roof and siding were also added. The form was renumbered Form 2021. Where Form 2019 was referenced, it now references Form 2021.

Introduction

The purpose of this document is to ensure that all construction in Merifield Acres, a subdivision of Roanoke Point (RP), conforms to the restrictive covenants that are applicable to the subdivision where the construction is taking place. For lots and other property that have no restrictive covenants, voluntary compliance is requested. Herein you will find information regarding the construction of a new house, an addition, and other structures that require approval by the Architectural Committee prior to you starting construction.

Requests for approval will be accepted only from property owners. Your request for approval may be submitted to any member of the Committee or mailed to the below address. The review of your request will be completed within thirty (30) days from the date it is received by the Committee. After the Committee has completed the review, you will be notified in writing of the Committee's decision.

You will need to fill out ARCHITECTURAL COMMITTEE FORM 2021 (See pages 23, 24, 25 and 26). The following items must be submitted with your request for approval form:

1. Plat plan or detailed sketch showing placement of the house, well, septic, driveway, and all other structures, and showing the areas where trees will be retained and the areas where trees will be replanted.
2. Drawings and specifications that provide a profile view and a plan view of proposed structures, and enough detail to show dimensions, type of construction and outside appearance. Architectural drawings will be returned if so requested.

After you receive written approval of your construction plans, you will need approval for tree removal if trees will be removed (See Section 3: Guidelines for Lot Clearing and Tree Removal).

If you have any questions, please feel free to contact a member of the Architectural Committee. The elected committee membership is as follows:

- Alan Weyman, Chairman, phone: 434-738-7233, e-mail: aweyman@hotmail.com
- Butch Cheatham, Member, Approval for Tree Removal, phone: 434-362-2101, e-mail: juliancheatham@gmail.com
- Marc Carney, Member, phone: 407-619-8824, e-mail: marc@marc-melissa.com

The mailing address is as follows: Architectural Committee
c/o MALA
P. O. Box 70
Clarksville, VA 23927

Section 1: Guidelines for New Homes and Additions

Stipulations of the covenants, which pertain to the majority of lots in Merifield Acres are listed below¹:

1. Residential building only. (No all-metal buildings are allowed.)
2. Limit of one single-family dwelling (house) per lot not to exceed two stories in height. (Basement and attic space do not count as stories.)
3. Minimum of 1,100 square feet of heated space for a one-story dwelling (house).
4. Minimum of 1,400 square feet of heated space for a two-story dwelling (house).
5. No construction within 35 feet of any street frontage in the Fielding² and Holly Park subdivisions, 25 feet in all others.
6. No construction within 15 feet of any side boundary in the Fielding and Holly Park subdivisions, 12 feet in all others. (Exception: Mecklenburg County regulation for property zoned R-1, "No setback shall be required from any property line shared with property owned by the Army Corps of Engineers for the Kerr Lake impoundments.")
7. Adequate sewage disposal and water supply (are required).
8. Conformity and harmony of external design and size of interior floor area with existing structures (buildings) in the community.
9. Location of structures (buildings) with respect to topography and finished ground level.
10. Limit of one detached private garage (building) not exceeding the same height as the house to be used for not more than three cars.
11. No temporary structures (of any type), house trailers or tents (are allowed), unless approved in writing by the Architectural Committee.
12. Removal of as few trees as possible to accommodate house, drive, and septic field with no burning allowed. Approval (is required from the Architectural

¹ Parenthetical information added for clarification.

² Fielding includes RP Units 1, 3, 4, and 5.

Committee) of the cutting of trees that are six or more inches in diameter six feet above ground level.

13. Proper, clean, orderly and attractive lot maintenance (is required).

The following policy guidelines are provided to facilitate compliance with the covenants and to make our community an attractive place in which to live:

1. Completion date is to be no more than one year after starting construction unless additional time is approved in writing by the Architectural Committee.
2. Builder must establish the location of driveway(s) and entrance(s) with the MALA Roads and Maintenance Committee Chairman and install a minimum culvert of 12 inches on the entrance(s) before removing trees and brush, or delivering building materials. If the culvert is not necessary, the Chairman will furnish you with a waiver in writing.
3. The builder contractor site identifying sign regulations are covered in Section 13: Sign Policy.
4. Owner and builder contractor are responsible for keeping dirt and mud off the roads and for cleaning dirt and mud off the roads.
5. No parking any time on islands or on common areas is permitted.
6. No overnight parking of construction vehicles on the roads is permitted.
7. Builder contractor must provide a trash receptacle on site and control litter.
8. Builder contractor must provide and maintain a portable toilet on site for use by construction workers and visitors to the site.
9. Roofing, siding, and color scheme must conform with existing structures in the development.
10. Wood roofing shingles, such as cedar shake shingles, are not recommend due to potential hazard should a fire occur in the surrounding woods.
11. A covered foundation greater than 30 inches on the roadside is not permitted.
12. Storage tanks must be shielded from road view. Storage tanks are containers that hold liquids, compressed gases (gas tank) or mediums used for the short-term or long-term storage of heat or cold.
13. Swimming pools, pool houses, sheds, detached garages, detached carports, decks, fences, porches, gazebos, pergolas, airplane hangars, satellite dishes

over 36 inches in diameter, and tower mounted antennas are subject to architectural review and they must be approved by the Architectural Committee.

Section 2: Guidelines for Modular Homes

Definition of “Modular House”: Considered industrial type same as a “Stick Built” house. Requires a permanent foundation. Subject to the same approval process as any new construction house.

Definition of “Manufactured House”: Considered a trailer. Does not need a permanent foundation. Sometimes referred to as a “Single-Wide” or a “Double-Wide.” It has a red aluminum identifying tag riveted to the rear. Considered a temporary dwelling and, as such, is not permitted.

Builder contractors providing modular homes must adhere to the following rules:

1. Foundation must be ready for acceptance of the home before it arrives.
2. Home modules must be delivered to the site the same day, or one day prior to setting the home on the foundation. No exceptions will be permitted.
3. No parking is permitted of any modules or vehicles on roads, on islands or on any common areas.

Section 3: Guidelines for Lot Clearing and Tree Removal

After you receive written approval of your construction plans, you will need approval for tree removal if trees will be removed to make way for your construction project as well as the removal of any trees that will endanger your house, your neighbor's house, or the roads. Approval is required for the cutting of trees that are six or more inches in diameter six feet above ground level. We ask that you please do not clear-cut the property. Remove as few trees as possible to accommodate house, drive, well, and septic field.

All trees to be preserved must be tagged prior to any lot clearing. Upon completion of tagging trees to be preserved, approval to proceed with tree removal must be obtained from the Architectural Committee. No lot clearing may start without this approval and the approval of your construction plans.

The clearing process must be contained on the lot or lots involved. No equipment may be staged or parked on adjacent private property. No equipment may be staged or parked on adjacent common land without permission from the Architectural Committee. As soon as possible an area should be cleared to allow for truck loading of the logs and debris on the site. To the extent possible, dirt and mud must be kept off the roads. When this is unavoidable, cleaning of the dirt and mud off the roads is required.

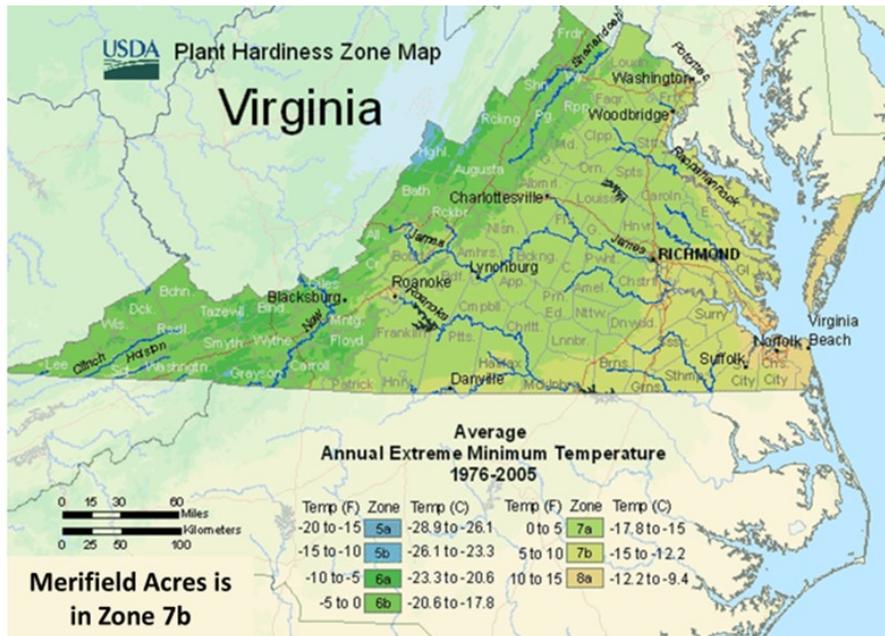
No overnight parking of any equipment, trucks, or trailers is permitted on the roads, on islands or on common areas. Overnight parking is only allowed on the site. If there is a compelling need for off-site overnight parking, arrangements can be made for temporary parking in other areas that may be made available with the permission of the Architectural Committee. Driving or parking is never permitted on the airfield under any circumstances.

All debris from the site clearing must be removed. No dumping of debris in Merifield Acres is permitted. No open burning of debris on the site is permitted.

Section 4: Guidelines for Post Construction Landscaping

Landscaping is an important element to your home’s exterior style. It is essential for proper, clean, orderly, and attractive lot maintenance after the construction project has been completed. You can make it unique, and you can make it your own, but conformity and harmony of your landscaping design with the other developed lots in the community is also important.

You will need to research what types of shrubs, trees, and flowers you want in your yard to replace the trees that were removed to make way for your construction project. Keep in mind how big they will get when they mature. You can talk with local nurseries and with your neighbors for ideas on native plants that do well in the southern Virginia climate.



An ornamental tree or flowering tree adds an interesting focal point to any landscaping, and it is very harmonious in our community. These focal point trees are typically smaller than standard shade trees and have annual flowers or colorful leaves that draw the eye and brighten the landscape.

There are many ornamental trees available for our zone (7b); see plant zone map above. The following are some of the more popular types of ornamental trees that you may find suitable for your landscaping project:

1. Crape myrtle (*Lagerstroemia* spp.) – Pink, white, red or lavender blooms in summer and autumn; orange, red or yellow foliage in fall.
2. Flowering dogwood (*Cornus florida*) – White or pink blooms in spring, bright red berries in late summer and beyond, reddish-purple foliage in fall.
3. Crabapple (*Malus* spp.) – Pink, white or red flowers in spring, colorful fruit in summer, excellent color in shades of maroon, purple, gold, red, bronze or yellow in autumn.
4. Redbud (*Cercis canadensis*) – Pink or white flowers in spring, foliage turns golden-yellow in fall.
5. Flowering cherry (*Prunus* spp.) –Fragrant white or pink flowers in spring, bronze, red or gold foliage in autumn.
6. Sourwood (*Oxydendrum arboretum*) – Fragrant white blooms in summer, crimson foliage in fall.
7. Purple leaf plum (*Prunus cerasifera*) – Fragrant pink blooms in early spring, reddish berries in late summer.
8. Lilac chaste tree (*Vitex agnus-castus*) – Fragrant violet-blue flowers in summer.
9. Chinese dogwood (*Cornus kousa*) – White or pink flowers in spring, red berries in late summer, reddish-purple foliage in fall.
10. Dwarf red buckeye/Firecracker plant (*Aesculus pavia*) – Bright red or orange-red flowers in late spring and early summer.
11. Fringe tree (*Chionanthus virginicus*) – Creamy white blooms in late spring followed by bluish-black berries and yellow foliage in autumn.
12. Saucer magnolia (*Magnolia soulangeana*) – Fragrant white blooms flushed with pink/purple in spring, colorful fruit in late summer, yellow foliage in autumn.

13. American holly (*Ilex opaca*) – Creamy white blooms in spring, bright orange or red berries in fall and winter, bright green evergreen foliage.

Section 5: Guidelines for Swimming Pools

A swimming pool, swimming bath, wading pool, or simply a pool, is an artificially enclosed body of water intended for swimming or water-based recreation. These guidelines will be the basis for decisions by the Architectural Committee when considering proposals for in-ground and above-ground swimming pools. There are two types of above-ground pools: permanently installed above-ground pools and temporarily installed above-ground pools. Permanent above-ground pools are considered the same as in-ground swimming pools for the purpose of architectural review and approval. They are reviewed on a per case basis for architectural acceptance the same way that in-ground pools are handled.

Temporary above-ground pools can be taken down after summer. They are used mostly outdoors in yards, are typically shallow, and often their sides are inflated with air to stay rigid. When finished, the water and air can be let out and this type of pool can be folded up for convenient storage. They are regarded in the swimming pool industry as "splasher" pools intended for cooling off and amusing toddlers and children, not for swimming. These above-ground pools are considered in the same category as lawn furniture and they are not regulated by the Committee.

The intent of the following guidelines is to ensure that any pool is in harmony with the main house structure and the surrounding environment:

1. A pool can be built either above or in the ground, and from materials such as metal, plastic, fiberglass, or concrete.
2. The pool should be located behind the house or other main structure. Preferably above-ground pools should not be visible from the road.
3. Lot line setback minimum requirements are the same as for the house.
4. Pool areas must be isolated so that unauthorized children younger than six years cannot enter. This can be done with structure, a wall, and/or fencing.
5. A pool must have a sanitizing system to prevent growth and spread of bacteria, viruses, algae and insect larvae that can cause disease. This system must be used and properly maintained to prevent the pool from turning green and becoming a breeding ground for insects.

6. Above-ground pools should be kept off and away from the soil absorption system area of the septic system.
7. Chemically treated pool wastewater must be handled responsibly when it is disposed of during pool cleaning or draining.

Section 6: Guidelines for Detached Garages and Detached Carports

The intent of these guidelines is to ensure that any detached garage or detached carport is in harmony with the main house structure³.

1. Setback minimum requirements are the same as for the house.
2. The minimum size is 12 feet by 16 feet with a concrete slab floor.
3. The maximum size is a reasonable area to park three cars.
4. Residential construction standards apply. No all-metal structures are permitted.
5. Architectural design and style should be similar to the house.
6. The minimum ceiling height is 8 feet.
7. Pitch of the roof should be the same as the house if possible.
8. Siding, trim and roof colors should be the same as the house.
9. Overhangs should be boxed out and trimmed with fascia.
10. Normal roll-up type garage door(s) should be used Carriage-type doors may be used if compatible with the house architecture. (Does not apply to carports.)

Section 7: Guidelines for Sheds and Gazebos

These guidelines will be the basis for decisions by the Architectural Committee when considering proposals for small, detached structures, including sheds and gazebos, that are smaller than 225 square feet in area. The intent of these guidelines is to ensure that any detached structure is in harmony with the main house structure³.

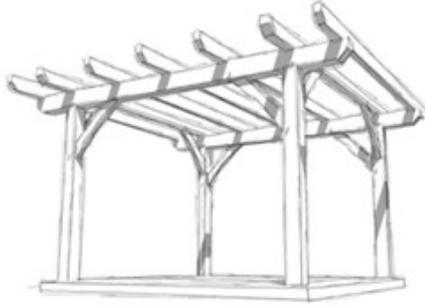
³ Any structure that you add to your property should match the house to the extent possible.

1. Any small, detached structure will be positioned preferably in the rear of the main structure, away from the street so that it will be as unobtrusive as possible. If the lot size or shape does not permit placement to the rear, then a position to the side is permissible. The final position will be subject to the approval of the Architectural Committee based on these guidelines.
2. All structures will abide by the restrictive covenants with respect to setback.
3. The detached structure should complement the main structure in its design and in its use of building materials: siding, roofing, paint or stain color. For sake of uniformity, all structures should have a roofline similar to the main house structure. No all-metal structures are permitted.
4. The structure should be no smaller than 96 square feet in area and no larger than 225 square feet in area. Any larger structure must meet the Guidelines for Detached Garages.
5. All detached structures must be secured to a suitable foundation.

Section 8: Guidelines for Pergolas

A pergola (a.k.a. arbor, or arbour) is an outdoor garden feature forming a shaded walkway, passageway, or sitting area of vertical posts or pillars that usually support crossbeams and a sturdy open lattice, often upon which woody vines are trained. It may also be an extension of a building or serve as protection for an open terrace or deck, or a link between the house and the garage. The intent of these guidelines is to ensure that any pergola is in harmony with the surroundings.

1. The pergola may be free standing or attached.
2. Setback minimum requirements are the same as for a house.
3. Residential construction standards apply.
4. All structures must be secured to a suitable foundation.
5. Architectural design and style should be compatible with the house design.



Example of Free Standing



Example of Attached

Section 9: Guidelines for Aircraft Hangars

A hangar is an enclosed structure to hold aircraft in protective storage. These guidelines will be the basis for decisions by the Architectural Committee when considering proposals for aircraft hangars. The intent of these guidelines is to ensure that any hangar is in harmony with the surroundings.

For common land on or adjacent to the airfield:

1. Setback minimum requirements are as required by Mecklenburg County.
2. Residential construction standards apply. No all-metal structures are allowed.
3. A concrete slab flooring is required.
4. Architectural design and style should be like the preferred hangar design (see images below).
5. Siding, trim and roof colors should be the same as the other hangars.
6. Overhangs should be boxed out and trimmed with fascia.
7. A normal aircraft hangar type garage door should be used. Fabric doors are not permitted.

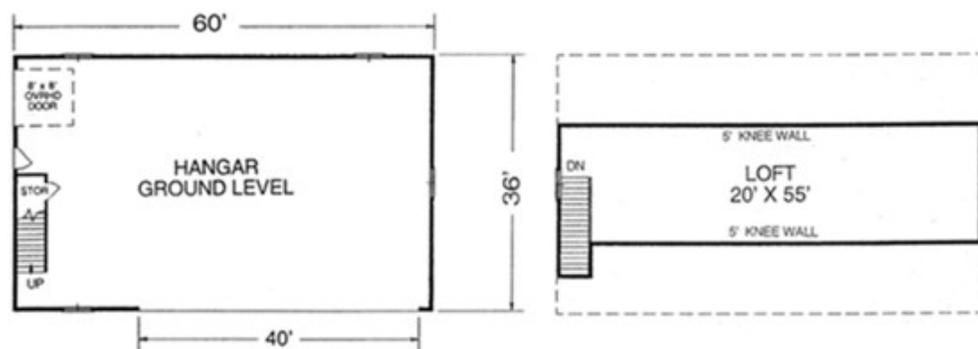
For private property, hangar attached to the house or detached⁴ from the house:

1. Setback minimum requirements are the same as for a house.

⁴ A detached hangar is considered the same as a detached private garage for architectural review and consideration. You may have one detached hangar or one detached garage on a lot, but not both.

2. The maximum size is a reasonable area to park three cars or one airplane and the height not exceeding the same height as the house.
3. Residential construction standards apply. No all metal structures are allowed.
4. A concrete slab flooring is required.
5. Architectural design and style should be like the house.
6. Pitch of the roof should be the same as the house if possible.
7. Siding, trim and roof colors should be the same as the house.
8. Overhangs should be boxed out and trimmed with fascia.
9. A normal aircraft hangar type garage door should be used. Fabric doors are not permitted.

Preferred aircraft hangar design:



Unacceptable hangar design alternatives are as follows:

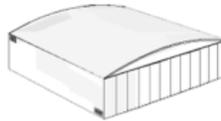
1. Temporary “Tent” Hangar.



2. Simple Steel Portal Framed Buildings with tied portals.



3. Segmental Tied Hangar, segment tied trusses.



4. Glove Hangar where the span and the doors are made to fit a specific aircraft and the nose/fuselage front half of the hangar is reduced in size.



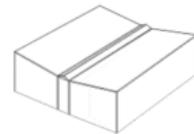
5. Spine Truss Hangar.



6. Cantilever Hangar.



7. Butterfly Hangar.



Section 10: Guidelines for Metal Roofing and Metal Structures

The Architectural Committee has for many years considered the use of metal products for residential roofing and for “all-metal” structures such as garages, carports, and sheds to be inconsistent with the covenant requirement for “Conformity and harmony of external design and size of interior floor area with existing structures in the community.” A specific worry was that low-cost prefabricated metal structures, like carports which can be seen around our county, would deteriorate over time from ultraviolet solar radiation and from storm damage, that would cause the lot that it is erected on to become non-compliant with the covenant requirement for “Proper, clean, orderly and attractive lot maintenance.”

Over the past several years, residential metal roofing materials have improved greatly in durability and in visual appearance. In fact, metal roofs can now last up to 100 years, with installers providing 50-year warranties. From dimensional shingles to classic styles reminiscent of cedar shake, tile, and slate, an architectural roofing system can enhance the beauty of home while protecting the property. The Committee considers this modern type of roofing to be compliant with existing architecture in the community and as such the Committee has been approving requests to use metal roofing for new construction homes. It is also being used for roof replacement.

The Committee Guidelines are that any additional structure that you add to your property should match the house to the extent possible. The Committee will consider approving a metal roof on an additional structure, when the roofing material is pre-painted, or will be painted, a color similar to the house roof. Painted metal roofs must be properly maintained to prevent flaking, chipping, discoloration, or rusting. The Committee will not consider approving unpainted galvanized steel, unpainted aluminum, or “shiny” metallic roofing materials. The Committee will not consider approval of all-metal buildings for garages, carports, and sheds. These are considered non-conforming. Examples of these structures are as follows:



Section 11: Guidelines for Fences and Walls.

A fence is a barrier that encloses an area, typically outdoors, and is usually constructed from posts that are connected by boards, wire, rails, or netting. A wall is a continuous vertical brick or stone structure that encloses or divides an area of land. A fence differs from a wall in not having a solid foundation along its whole length.

Fence locations, type and design are an important feature of a home's exterior; as well as maintaining conformity and harmony with the other developed lots in the community. Accordingly, the following guidelines apply:

1. Fences should be of an open design to the extent possible. For example: split rail, horizontal (finished wood) rail or vertical rail (pickets) with the space between the rails at least equal in size to the width of the rails.
2. Galvanized (gray) chain link, stockade and other privacy fences should be directly behind the house to the extent possible. Galvanized (gray) chain link, stockade and privacy fences in the front of the property are not permitted.
3. Fences that follow the property boundaries and extend past the sides of the house, should tie into the house, either at the back or front corners. Extending the fence along the side lines of the property past the front of the house may be permitted. Fences that go across the front of the property should be avoided to the maximum extent possible.
4. Agricultural type barbed wire fencing is not permitted.
5. Invisible pet fence or fenceless boundary is an electronic system designed to keep a pet or other domestic animal within a set of predefined boundaries without the use of a physical barrier. A mild electric shock is delivered by an electronic collar if its warning sound is ignored. This type of fencing is permitted.
6. A hedge or hedgerow is a line of closely spaced shrubs and sometimes trees, planted and trained to form a barrier or to mark the boundary of an area, such as between neighboring properties. This type of barrier is not regulated or restricted under these guidelines.

As with a fence, wall locations, type and design are an important feature of a home's exterior; as well as maintaining conformity and harmony with the other developed lots in the community. Accordingly, the following guidelines apply:

1. The wall should complement the main structure in its design and in its use of stone or brick building materials. No all-metal walls are permitted.
2. Walls that follow the property boundaries and extend past the sides of the house, should tie into the house, either at the back or front corners. Extending the wall along

the side lines of the property past the front of the house may be permitted. Walls that go across the front of the property should be avoided.

3. Walls must be secured to a suitable foundation.

Section 12: Guidelines for Trash Receptacles.

A trash can or trash container or garbage can is a receptacle that holds materials that have been thrown away. It is designed to hold waste prior to disposal. When it comes to maintaining health, safety, and cleanliness, choosing the best trash receptacle is important. These guidelines apply to trash receptacles that are placed and stored outside of the house or other structure.

The following policy guidelines are provided to facilitate compliance with the covenants and to make our community an attractive place in which to live:

1. Trash receptacles must be shielded from road view, preferably behind the house or structure.
2. Trash receptacles must have proper lids or doors to prevent invasion by insects and animals, and to reduce odor.
3. The final disposal of the contents of a trash receptacle is the responsibility of the landowner.
4. If a waste disposal contractor is used and street side pick up is required, the receptacle(s) may be moved to the street front the night before the scheduled pick-up but must be returned to their out-of-view location by the evening of the pick-up day. Leaving receptacles at the street front for more than one night per scheduled pick-up is considered unsightly and it is not allowed.
5. Trash receptacles are not to be placed on the road or in any way that may be an obstruction to road traffic.
6. Any trash that is left on the ground after contractor pick-up, must be picked up by the landowner.
7. Placement of trash receptacles on common land may be done at the discretion of the MALA Board of Directors.

Section 13. Sign Policy

There is a restrictive covenant that states “No signs or billboards shall be erected or maintained on the Lots.” This restriction was written and put in place in the early 1960’s when the subdividing and the sale of lots were under

the control of development companies. The restriction prevented a competing individual or company, who may buy lots, from placing signage on lots for the purpose of reselling. Over time this early development phase completed. Resale by owners for personal reasons commenced as a normally expected process.

Strict enforcement prevents all “For Sale” signs from being placed on property. In addition, it prevents a building contractor from putting up a sign to identify a lot for the purpose of having material deliveries and of having subcontractors arrive at the correct job site. Also, it would prevent personal signs of homeowners showing a house number or name to identify the house from the road.

The Architectural Committee and Board of Directors do not have the authority to changes the covenants. Thus, they have invoked the well-established regulatory concept of “enforcement discretion” to accommodate the best interests of individual homeowners and the best interests of our community.

Sign requirements for a construction site are as follows:

1. The builder contractor may place a small identifying sign up near the building permit for expedient delivery of building materials. This sign shall be removed upon completion of the job.
2. The sign may be no bigger than 18 inches high by 24 inches wide.
3. The sign shall be positioned in the center of the front lot line, parallel to the roadway with the top of the sign no more than 30 inches from the ground.
4. Only one builder contractor sign on a construction site is permitted.
5. The builder contractor’s sign shall be removed when work on the house has stopped, construction has been completed, or one year from the date of approval for construction by the Architectural Committee.
6. No subcontractor signs are permitted.
7. One temporary realtor sign painted in the green and white colors to match the street name signs may be place on the property. It must be removed after the sale or after the property has been taken off the market. This also applies to re-sale.

8. A non-commercial⁵ sign placed on a lot by a property owner showing a house number and/or name to identify the house from the road is not restricted if it comports with proper, clean, orderly and attractive lot maintenance.
9. All signs not covered by the previous guidelines above are prohibited.

Section 14: Road Damage Repair Donation Request

The Merifield Acres Landowners' Association (MALA) is requesting a Road Damage Repair Donation on all construction. These donations will be used to help offset the cost of repairing cumulative road damage caused by all the heavy weight construction and delivery vehicles.



The amount requested is based on the square footage of houses, garages, porches, decks, breezeways, pools and other construction on the property. A Road Damage Repair Donation of \$0.35 per square foot of area is requested on the following:

1. New Houses: the area includes house, entire finished heated living area, garage, porches, decks, pools and detached structures. It does not apply to unfinished basements or crawl spaces.
2. Additions: the area includes all additions that increase the size of the house or existing structures, added garages (attached and detached), porches, decks, and pools. It also includes small, detached structures like sheds and gazebos.

The requested donation can be calculated by the owner using the space provided on ARCHITECTURAL COMMITTEE FORM 2021 based on the submitted drawings and plans. Payment is requested immediately after the Architectural Committee approves your construction plans. Questions regarding this donation can be directed to any member of the MALA Board of Directors. Thank you in advance for your donation.

⁵ Non-commercial means that the sign does not display the name or logo of a company or business. It is a sign that does not, in some sense, involve commerce, at least relative to similar activities that do have a commercial objective or emphasis.

Please make your check payable to MALA and mail to:

MALA Treasurer
Attn: Road Damage Repair Donation
P.O. Box 70
Clarksville, VA 23927



ARCHITECTURAL COMMITTEE FORM 2021
Request for Approval – New Construction House and/or Other Construction

Owner Name(s): _____ Phone: _____
Address: _____ E-mail: _____

Address of Proposed Construction: _____
Unit No.: _____ Lot No(s).: _____

Builder's or Contractor's Name: _____
Address: _____ E-mail: _____
Phone: _____ Cell Phone: _____

The following items must be submitted with this Request for Approval form:

1. Plat plan or detailed sketch showing placement of the house, well, septic, driveway, and all other structures, and showing the areas where trees will be retained and the areas where trees will be replanted.
2. Drawings and specifications that provide a profile view and a plan view of proposed structures, and enough detail to show dimensions, type of construction and outside appearance. Architectural drawings will be returned if so requested.

Please complete all the following that apply to your project:

1. Is this request for a new construction house? (yes/no): _____
If yes, will it be a modular construction house? (yes/no): _____

2. Is this request for an addition? (yes/no): _____
 If yes, describe the addition: _____
 If yes, only complete the following that are applicable.
3. Number of stories: _____
4. Square footage heated (1,100 sqft minimum for one story; 1,400 sqft minimum for two stories) _____
5. Type of Heating: _____
6. Are covered foundations no more than 30" high on roadside? (yes/no): _____
7. Street Frontage setback (35 feet minimum Fielding and Holly Park subdivisions, 25 feet minimum all others): _____
8. Side boundary clearances (15 feet minimum Fielding and Holly Park subdivisions, 12 feet minimum all others): Left side _____; Right side _____
9. Attached Garage sqft: _____
10. Detached Garage sqft: _____ The garage will match the house (yes/no) _____
11. Porch(es) sqft: _____
12. Deck(s) sqft: _____
13. Swimming Pool(s) sqft: _____
14. Shed(s) sqft: _____ The shed will match the house (yes/no) _____
15. Other structure(s) sqft: _____ Type of Structure(s): _____
16. Fireplace(s) (yes/no) _____ If yes, how many? _____
17. Basement (yes/no) _____ If yes, finished (yes/no) _____ If yes, sqft finished _____
18. Proposed Structure:
 Roof Type: _____ Roof Pitch: _____ Roof Color: _____
 House:
 Roof Type: _____ Roof Pitch: _____ Roof Color: _____
19. Proposed Structure:
 Siding Type: _____ Siding Color: _____
 House:
 Siding Type: _____ Siding Color: _____

20. Is the style of architecture compatible with neighboring houses? (yes/no) _____
If no, explain _____

21. Estimated construction start date: _____

22. Estimated completion date: _____ Construction to be completed within one year from approval date unless otherwise approved in writing.

23. Occupancy (full time/part time): _____

24. Road Damage Repair Donation: square feet: _____ x \$0.35 = Amount: \$ _____
For a new construction house the square feet area is the sum of the finished heated area in the house, plus the area of the garage(s), porch(es), deck(s), carport, breezeway, pool, shed and all other structures to be constructed on the property. Unfinished basements and crawl spaces are excluded. For post new construction additions, it is only the area of the addition. Please make your check payable to MALA and when you receive the approval letter, please mail your check to:

MALA Treasurer
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P.O. Box 70
Clarksville, VA 23927.

25. Any other information that you would like the Committee to consider while reviewing your request: _____

I (We) have read the Architectural Committee policy guidelines and I(we) will ensure that I(we) and my(our) contractor(s) will adhere to construction policy regulations. If I(we) cannot complete the project within one year from the approval date, I(we) will notify the Architectural Committee as to the nature of the problem, the expected resolution of the problem, and the new estimated completion date.

Signature of Property Owner(s) _____
Date

The following is for Architectural Committee use only:

Date Request Received: _____

Date Approved: _____

Date Disapproved: _____

If disapproved, why: _____

Member, Chairman

Member

Member

Appendix 1: Evolution of the Restrictive Covenants.

Restrictive covenants were first written and put in place in the early 1960's and 70's when the subdividing and the sale of lots were under the control of the Lewis family using the Fielding Development Company. It was done to establish Merifield Acres as a single-family home development and not a trailer park or camping site.

The development of Merifield Acers, formerly the Lewis family farm, took place over many years, and it involved more than one development company. Merifield Acers was sold off in several subdivisions. These subdivisions were further divided into units. Units were divided into deeded lots.

As this land development was done piece meal over time, covenants were written for each piece. When a new piece was developed, covenants were written for that piece. Today there are five versions of the covenants. The earliest covenants were the least restrictive. The first one written covered the Holly Park subdivision and units MF 1, 3, 4, 5 of the Fielding sub-division. Control of these covenants and architectural approval were retained by the Lewis family until that authority was transferred to the Merifield Acres Landowners' Association (MALA) Board of Directors in 1983.

The rest of the Fielding subdivision, units MF 6 and 7, are covered by different more restrictive covenants. At some time during the development of these MF units, the Fielding Development Company went bankrupt, and the Lewis family regained total control of development. As the second version of the covenants was put in place, the Lewis family established the Architectural Committee in 1976 to review and approve anything proposed for construction and to enforce the covenants for the new units under development. Initially the Lewis family was the Architectural Committee. Over time it became an elected three-person committee of landowners elected by the landowners.

As more time went on, the Lewis family engaged a new development company which became the Merifield Acres Development Company. The next version of restrictive covenants was written. During this development period, the MALA Board of Directors was established. However, the Architectural Committee retained independent authority over architectural review and enforcement of architectural compliance. As the final development moved on, edits were made to the covenants and the two last slightly different variations of the covenants were created.

Because some land in Merifield Acers comes under restrictive covenants and some land does not, and there are variations in the covenants, uniform strict enforcement across all deeded properties is not possible. Also, as time has evolved, the practicality of strict enforcement has been considered. This consideration started when the Lewis family had complete control and precedents were set. For example, although there is a restriction on trailers being used, stored, or regularly parked on the premises, from the very beginning of land development enforcement discretion has been used and boat trailers have been allowed.

Neither the Architectural Committee nor the Board of Directors has the authority to change the covenants. It would take a majority vote of all the landowners to change the covenants and those with less restrictive covenants may not be willing to vote in new restrictions for themselves. Thus, enforcement discretion, that was started by the Lewis family, has been used to accommodate the best interests of individual landowners and the best interests of our community.

Appendix 2: Restrictive Covenant Regarding Vehicles and Trailers

There is a covenant that states “...no mobile homes, trailers, camping trailers, trucks or tractors, or inoperative vehicles may be used, stored or regularly parked on the premises.” This restriction was written and put in place in the early 1960’s when the subdividing and the sale of lots were under the control of development companies. It was done to establish the development as a single-family home development and not a trailer park or camping site.

This was written before lawn tractors became popular. To say no trucks or tractors may be used makes no sense since these are needed as construction equipment for building houses and other construction. In the 1960’s trucks were generally considered commercial vehicles and the Sport Utility Vehicle (SUV) which is basically a light truck had not yet been invented. Today many people own and operate a truck as a personal family vehicle instead of a car. This is especially true in the rural area where we live. Also, Recreational Vehicles (RV’s) are not specifically addressed, but it can be argued that they are basically self-propelled mobile homes.

Strict enforcement would mean that no trucks, tractors, or trailers may be used, stored, or regularly parked on anyone’s property. You would not be able to do any type of construction that requires these vehicles. We live on a lake, and no one could bring a boat to their property. The contractors that cut lawns would not be permitted to work.

The Architectural Committee does not have the authority to change the covenants. Thus, the Committee has invoked the well-established regulatory concept of “enforcement discretion” in an effort to accommodate the best interests of individual homeowners and the best interests of our community.

To this end the Committee proposes the following policy:

1. Commercial trucks, tractors, and trailers used in construction may be used, stored, or parked on property only while approved construction is ongoing, but no overnight parking on the roads or common grounds is permitted.
2. Two axel trucks and SUVs used as non-commercial personal vehicles are not restricted.
3. Small tractors that are used for lawn and garden maintenance are not restricted.

4. Boat trailers and utility trailers that are for non-commercial, personal use and that can be towed behind a two-axel truck, SUV or car are not restricted.
5. There are no restrictions on an inoperative vehicle parked in a garage with the door closed.
6. No mobile homes of any type, on or off a trailer, are permitted.
7. Recreational Vehicles (RV's), trucks with campers, and camping trailers may not be parked on a lot and lived in. They may be parked on an improved lot near the owner's house for the purpose of storage only. They may not be lived in while in storage.