



OFB POA

HOMEOWNERS ARCHITECTURAL REVIEW COMMITTEE CHARTER

DUTIES AND FUNCTIONS OF THE COMMITTEE

The purpose of the Home Owners Architectural Review Committee (HARC) is to provide assistance to the Old Fort Bay Property Owners Association Board of Directors (“the Board”) in establishing and overseeing community architectural and aesthetic standards in Old Fort Bay (OFB) and reviewing and deciding upon new construction, renovation and change requests while adhering to the Association’s architectural scheme.

HARC is charged with approving/disapproving/amending all proposed new structures and alterations within OFB. It is also charged with reviewing complaints and possible violations of all codes related to proposed, built, architectural or landscape structures and their immediate environment on a property, which includes but is not limited to grading, drainage, temporary residences, signs, fences, outdoor lighting, storage of vehicles, property repair, excavation, docks, decks, out houses, guest cottages and any other structure requiring amendment to the natural landscape of a property within OFB. HARC receives its authority by assignment from the OFB Property Owners Association (POA) Board of Directors.

Membership of the Committee

The Committee shall be comprised of a member of the Board, no more than four owners of Lots within the Old Fort Bay Subdivision and an independent Architect.

In effecting its duties and functions, HARC shall:

Meeting

1. Meet as necessary, but at least quarterly.
2. Minutes of all regular meetings and on-going issues will be provided to the Board and POA Manager at the regularly scheduled meetings. Meetings will be organized by a typed agenda formulated by the Chairman of HARC and will be available at least one day before each meeting.

Understanding of Policies

3. Be aware of the overall architectural plan of the Association as set forth by the Articles of Incorporation, Conveyance, Bylaws, Architectural Codes and Memorandum of Association and various covenants.

Inspection

4. Perform an annual inspection of OFB properties including individual lots visible from the street or common areas and report to the Board any unapproved alterations, approved alterations not being maintained or other issues within the purview of the HARC's responsibilities as defined in this Charter or the Association's documents.
5. Make quarterly, as well as final inspections, of work in progress to insure its timely completion and conformity with approved plans. The results of each site inspection will be included in the quarterly report to the Board and POA Manager.

Review of Applications

6. Accept and review applications from property owners who submit complete plans as follows:
 - a. Architectural plans inclusive of site maps, renderings, full scope dimensional drawings
 - b. Grading plans showing provisions for storm water run-off to be contained within property boundaries
 - c. Landscape plans
 - d. Paint and colour schemes
 - e. Roof designs and materials
 - f. Type of material to be used
7. Approve or disapprove or request further information on initial plans within 14 days.
8. Respond to amended, subsequent plans, within 7 days.
9. Provide written confirmation of decisions to homeowner after the review and amendment process is completed. All written confirmations should be on POA letterhead and addressed to the owner of the property, or Project Manager or Owners representative and signed by the Committee Board member.
10. Create a Compliance Policy to assist in monitoring the build of plans submitted, but also that build compulsion time frames are adhered to in OFB.
11. Create an appeal policy for home owners to adopt where they are not in agreement with the decisions granted by HARC.
12. Recognize that every conceivable detail of every architectural or aesthetic modification to a property cannot be specified in advance, such that some sort of formal adjudication and interpretative process must be established within the committee to handle

modifications to codes in each scenario in order to build a more defined code of architectural practice within each location of OFB.

13. Update the POA manager weekly on HARC requests/ approvals and denials and provide status reports on such in an excel worksheet format provided by the POA Manager.

Expert Consultation

14. When necessary request that the Board authorize the assistance of a qualified professional to review complex plans and provide the necessary expertise in dealing with significant design and construction issues. The Board will give strong consideration to expert recommendation and approve it unless valid reasons can be given and documented as to why professional assistance may not be necessary.

Breach of Policies

15. Highlight property owners who are in excess of their build compulsion time frame and bring this to the attention of the Board/POA for further action or discussion.

Community Complaint

16. Receive comments or complaints from homeowners involving matters within its jurisdiction and shall analyze complaints from neighbours regarding building schemes and revert to them accordingly within the scope of architectural codes and association guidelines.

Community Standards Review

17. Review community standards/codes for architectural control for approval by the Board of Directors through amendment of the HARC Guidelines supplement.

Board Review

18. Bring matters to the Boards attention for a vote where:
 - a. Decisions likely to result in legal proceedings against the POA or between residents.
 - b. Rulings contrary to past practice or historically granted waivers.
 - c. Rulings that constitute a novel precedent.
 - d. Matters that have irreconcilable priorities.
 - e. Matters that result in fee waivers, construction stop orders, or the imposition of fines, penalties or novel assessments.

Managing Requests and Deviations

19. In general it shall be a governing principle that HARC shall permit property owners to build in such manner as he/she pleases within the confines of the standing architectural schemes.

20. Remain partial to development of all lots and as far as possible do not unreasonably delay construction or deny waiver requests that do not cause a bona fide and substantial safety concern that cannot be remedied, or significantly impair the rights of adjacent property owners to enjoyment of their own properties within the confines of their own property. As an example, purchasers of a lot do not purchase with the right to see across somebody else's lot, or with the intention that a neighbouring house may only be white, but not baby blue. Matters that are purely cosmetic, unless barred by the HARC codes or by historical practice and thus subject to individual taste, should be ruled in favour of the property owner, unless doing so is an affront to decency, moral standards or the bona fide character standards of the community.
21. Consider the waiver of any standard of the code with reference first to historical waivers granted for similar circumstances, second by the general assessment of the Committee, and lastly by any input of neighbouring properties
22. At each point of variance from the existing architectural codes make an application to the Board to amend such codes to include the variance for properties going forwards.

Authority to Act as a Committee Member

23. In order to act members must be in good standing with the POA, with no delinquency, fines, or legal matters pending or in process that may create a conflict of interest.
24. Disclose prior to agreeing to act on the Committee any potential conflicts of interest
25. Act with the best interest of the property owners represented by the POA.

Voting

26. Committee members shall act on a consensus basis. Every decision of the Committee shall be made by a show of hands/ vote and in the case of an equality of votes/ gridlock the Chairman shall have the casting and deciding vote.

Conflict

27. When a Committee member, Committee member's relative or Committee members business partner, submits an application for review, they shall abstain from discussion and voting on their application.

Confidentiality

28. All members shall sign a non-disclosure and confidentiality agreement. All matters and discussions of the committee shall be deemed confidential. As such committee members shall not discuss the matters of the Committee outside of the meeting(s) or Committee dialogue forums, unless express written consent to do so for a specific matter is granted by the Chairman of the Committee with the approval of the Board.

Removal of Committee Member

29. The Board may as they see fit remove a member of the Committee in circumstances where it is determined that a conflict of interest exists, the member has failed to consistently attend meeting(s) or actively participate or for such other reasonable and appropriate reason determined by the Board.

Power of the Committee

30. The Committee has no expressed or implied power or authority save the mandate provided for herein.