

RULES AND REGULATIONS
Section 4.4 Uses Permitted and Prohibited

DECLARATION Section 4.4 – In order to combat erosion and maintain the natural beauty of the waterfront area along the Hoist Basin, no commercial harvesting of timber, clear cutting or tree removal may occur within 300 feet of the water line of the Hoist Basin. A lot owner may, however, remove trees as reasonably necessary to clear space for construction or eliminate hazardous conditions, remove any trees less than four inches in diameter and engage in such other timbering activities as have been authorized in advance by the Association, in its sole discretion.

GENERAL

As a result of lot ownership, a surge in construction and a trend toward permanent residency, several tree removal issues have emerged. Section 4.4, listed above, is that part of the ownership documents that deals with the tree removal issue.

So that each person reviewing these rules and regulations, does so from the proper perspective, it is important to note that every stockholder in Dead River Campers Inc., by virtue of the Declaration, has a vested interest in every tree within the 300 ft wide strip of land that circles the Dead River Storage Basin, that strip starting at and commencing inland from the water line.

For the purposes of providing clarity of intent and a means for the uniform administration of a tree removal inspection and permitting procedure, various terms and phrases in Section 4.4 are herein defined.

DEFINITIONS

“no commercial harvesting of timber” shall mean the cutting of any trees, whether or not they are determined to be mature.

“the water line” shall mean the current target elevation established in the F.E.R.C. license for the Hoist Basin. Currently the target elevation is 1341.0 NGVD.

“reasonably necessary” shall mean necessary as determined in advance by the Association, in its sole discretion.

“clear space for construction” shall mean:

- a. For the principal residence, the removal of trees within thirty feet (30 ft) of the footprint of the building.
- b. For any outbuilding, the removal of trees within ten feet (10 ft) of the footprint of the building.
- c. For a septic field, the removal of trees within ten feet (10 ft) of the footprint of the permitted facility.

- d. For vehicular access, the removal of trees to provide a cleared strip of land not to exceed twenty feet (20 ft) in width. Special conditions warranting wider access shall be determined in advance by the Association, in its sole discretion.
- e. For utility lines, the removal of trees deemed necessary by the utility company.

“eliminate hazardous conditions” shall mean:

- a. For “blow down” considerations, the same as in “clear space for construction, a. and b.” above.
- b. For fire protection considerations, the same as in “clear space for construction, a. and b.” above.
- c. For personal safety, the removal of any dead, diseased, or precariously leaning trees.

“diseased tree” shall mean a tree or trees that have been determined by a registered forester to be diseased. Such determination shall be documented and signed by said registered forester.

“such other timbering activities” shall mean:

- a. For providing view to the water considerations, the pre-approved, selective removal and trimming of trees exceeding four inches (4 in.) in diameter, said removal not to exceed the width of the principal residence.
- b. Any and all other special considerations to be dealt with by the Association on an individual basis.

ADMINISTRATION

The following permitting and inspection procedure is hereby established to administer Section 4.4 of the Declaration:

- a. A lot owner wishing to remove a tree or trees within the 300 ft regulated area shall first complete the provided application form requesting permission to do so. An inspection of the site will be made by an agent of the Association to determine the permissibility of the request. Based on the inspection, the Association will either approve or deny the request.
- b. An applicant for a permit shall provide all requested information, sign the completed permit application form and return the form as indicated.
- c. It is the intention of the Association to schedule inspections as timely as practicable and to act on the permit request at the next regular meeting of the Association after the inspection has been completed.

AMENDMENT

These rules and regulations shall be binding until such time as Section 4.4 of the Declaration or any part of said Section 4.4 shall have been amended, requiring two-thirds (2/3) of the Lot Owners affirmative written action vote to do so.

Adopted 1-20-05