

TrailMark HOA

Definition of Architectural Approval

In our Covenants, please see Article 4.1, 4.2 and 4.5, for a clear definition of homeowner responsibility to receive Approval for all outdoor Improvements which is required. Please note, 4.1 through 4.24 define ALL the specifics of required homeowner architectural approval, however, 4.1, 4.2, and 4.5 are the primary focus of this notice clarifying homeowner responsibility to all home improvements requiring DRC approval.

Article 4.1 Approval of Improvements Required:

The approval of the Design Review Committee shall be required for any Improvement to Property on any Lot except: (a) for any Improvement to Property made by Declarant; (b) where approval is not reasonably required to carry out the purposes of this Declaration; (c) where prior approval of Improvements to Property may be waived or certain Improvements to Property may be exempted in writing or under written guidelines or rules promulgated by the Design Review Committee; and (d) for any Improvements to be constructed by Participating Builders which have been previously approved by Declarant.

Article 4.2 Improvement to Property Defined:

“Improvement to Property” requiring approval of the Design Review Committee shall mean and include, without limitation: (a) the construction, installation, erection or expansion of any building, structure or other Improvement, including utility facilities and fences; (b) the removal, demolition or destruction, by voluntary action, of any building, structure, landscaping, trees, or other Improvement; (c) the grading, excavation, filling, or similar disturbance to the surface of the land including, without limitation, change of grade, change of ground level, change of drainage pattern, or change of stream bed; and (d) any change or alteration of any previously approved Improvement to Property including any change of exterior appearance, color, or texture.

Article 4.5 Submission of Plans:

Prior to commencement of work to accomplish any proposed Improvement to Property, the Person proposing to make such Improvement to Property ("Applicant") shall submit to the Design Review Committee at its offices such descriptions, surveys, plot plans, drainage plans, elevation drawings, construction plans, specifications and samples of materials and colors as the Design Review Committee shall request showing the nature, kind, shape, height, width, color, materials and location of the proposed Improvement to Property (the "Plans"). The Applicant shall be entitled to receive a receipt for the Plans from the Design Review Committee or its authorized agent. The Design Review Committee may require submission of additional plans, specifications or other information prior to approving or disapproving the proposed Improvement to Property. Until receipt by the Design Review Committee of all required materials in connection with the proposed Improvement to Property, the Design Review Committee may postpone review of any materials submitted for approval.

In laymen's terms, In order to comply with the TrailMark covenants ALL outdoor home improvements require each homeowner to submit the HOME IMPROVEMENT REQUEST FORM prior to starting any outdoor improvement. After submitting the required Home Improvement Request Form, the homeowner must wait for written approval from the DRC prior to commencing the requested improvement.

The Home Improvement Request Form can be found on the TrailMark website, (www.TrailMark.org), https://www.trailmark.org/uploads/1/4/2/0/142002170/hoa_home_improvement_request_yd_access_202303.pdf

Please note, the TrailMark HOA Board of Directors has a legal obligation and responsibility to enforce our written covenants. When homeowners neglect, or choose not to follow the Architectural Approval Process noted in Articles 4.1 to 4.24, then the TrailMark HOA Board of Directors must legally enforce our Covenant and Rule Enforcement Policy which is listed on the TrailMark website, (www.TrailMark.org), https://www.trailmark.org/uploads/1/4/2/0/142002170/covenant_and_rule_enforcement_policy_20220807_2_.pdf

When homeowners choose not to follow the architectural approval process, and/or ignore all communications to follow such process, it can become very expensive for all members within the association. The Board must enforce the covenants as one of their fiduciary responsibilities. Homeowners who neglect this architectural process can be forced to remove their improvement that was never approved, be fined accordingly for their actions per our Covenant Enforcement Policy, and possibly face legal action if the homeowner will not comply with, or refuses to follow HOA directions to follow the process. Legal action is an absolute last resort for the TMHOA Board to pursue against homeowners who refuse to cooperate, communicate, or completely dismiss the process altogether.

To save yourself the headache of compliance issues, and the expense of having to remove an un-approved outdoor project to your home, **PLEASE FOLLOW THE ARCHITECTURAL PROCESS AND SUBMIT A HOME IMPROVEMENT REQUEST FORM TO THE DRC FOR ALL OUTDOOR IMPROVEMENTS AND WAIT FOR WRITTEN DRC APPROVAL TO COMMENCE YOUR OUTDOOR IMPROVEMENT.**



Design Review Committee

TrailMark Homeowners Association, Inc.

Littleton, CO 80127

c/o Westwind Management Group, LLC

27 Inverness Drive East

Englewood, CO 80112

Ofc: (303) 369-1800

www.westwindmanagement.com

trailmark@westwindmanagement.com

<http://trailmark.org>

Home Improvement Request Form

Name: _____
 Property Address: _____
 Mailing Address (if different from property): _____
 Home Phone: _____ Work Phone: _____
 Cell Phone: _____ Email Address: _____

The following type(s) of improvement/design/change(s) is/are hereby requested (Check applicable items):

<input type="checkbox"/> Awning	<input type="checkbox"/> Door - Service	<input type="checkbox"/> Gazebo/Pergola	<input type="checkbox"/> Patio/ /Slab	<input type="checkbox"/> Solar Device
<input type="checkbox"/> Deck	<input type="checkbox"/> Driveway/Sidewalk	<input type="checkbox"/> Hot tub	<input type="checkbox"/> Patio Cover/ /Arbor	<input type="checkbox"/> Windows
<input type="checkbox"/> Dog run	<input type="checkbox"/> Exterior Lighting	<input type="checkbox"/> Landscaping - Back	<input type="checkbox"/> Playhouse/Play Structure	<input type="checkbox"/> Other
<input type="checkbox"/> Door -Entry/Security	<input type="checkbox"/> Fence	<input type="checkbox"/> Landscaping - Front	<input type="checkbox"/> Roof	<input type="checkbox"/> Other
<input type="checkbox"/> Door - Garage	<input type="checkbox"/> Fire Pit	<input type="checkbox"/> Paint - Exterior	<input type="checkbox"/> Shed	

Describe improvements in detail [attach pictures(s), drawing(s), diagrams(s), brochure(s), paint chips(s), etc.]

Proposed Start Date: _____ Proposed Completion Date: _____

Shed:

- Homeowner is responsible for obtaining City of Littleton building permits and complying with building and zoning requirements.
- A plot plan showing the location of the shed must be included with this Request.

Square Footage:	Dimensions:	Height (from highest peak to ground):
Type of foundation / caissons:	Setback from Property lines (in feet):	Setback from all other structures (including neighbors):

Exterior Painting: Insert paint colors and paint code in the appropriate boxes below. Paint samples / swatches are required for any color not a part of a specific combination in the TrailMark color schemes, as provided in the paint sample books.

TrailMark color scheme #:	<input type="checkbox"/> Yes The selected color scheme is EXACTLY as shown in the TrailMark color scheme paint sample books <input type="checkbox"/> No
NOTE: If using an approved color scheme (from the TrailMark paint book) <u>exactly</u> as depicted in the paint book, your paint selection is complete. However, if you deviate in any way from the TrailMark paint book, you must complete the items below by inserting paint color names and paint codes:	
Siding Type: <input type="checkbox"/> Lap siding <input type="checkbox"/> Stucco	Paint Manufacturer:
Siding/Body:	Shutters:
Fascia:	Front Door:
Trim:	Garage Door:
Exposed Beams:	Accents: Accent vent, louvers, balusters:
Other information:	

As TrailMark homeowner(s), I/We Understand:

- That approval by the Design Review Committee is required prior to initiating the project.
- That the DRC approval does not constitute approval of the City of Littleton Building Department nor the Code Department requirements, and a Building Permit may be required.
- That I/We are responsible for adhering to all Local/County/State guidelines and will ensure that the necessary permits and/or approvals will be obtained.
- Agree, that after receiving DRC approval, will complete all proposed improvements promptly. Any delay of such completion will be communicated to the DRC.
- That the Design Review Committee has thirty (30) days upon their receipt of a completed Home Improvement Request Form, to review and render a request decision. If the DRC requests additional information, the thirty (30) day clock restarts upon receipt of the requested information.
- That upon completion of the approved project, I/We will notify the DRC by submitting the Home Improvement Notice of Completion which provides the DRC permission to inspect the completed work to ensure compliance as approved.

Name: _____ Signature: _____ Date: _____

DESIGN REVIEW COMMITTEE USE ONLY
DRC ACTION: <input type="checkbox"/> Approved <input type="checkbox"/> Approved with Conditions <input type="checkbox"/> Denied <input type="checkbox"/> Additional Information Requested

DRC Signature	Date
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NOTE: The Design Review Committee reviews requests the 1st and 3rd week of each month, schedules permitting. To ensure timely improvement review, submit your Home Improvement Request Form by noon, the Friday prior to the scheduled meeting. Submit to trailmark@westwindmanagement.com.



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Home Improvement Request – YARD ACCESS

Re: Access to Yard to Complete Proposed Improvements

Please check one of the following:

- Access will be limited to my private property for all proposed work. (You do not need to complete the remainder of this form since all access to your rear yard will be across your property.)
- Access will cross Homeowners Association (HOA) or Chatfield Green Metropolitan District (District), property. (If you check this, please complete the remainder of this form).

NOTE:

- SOME LANDSCAPE TRACTS OR STREETSAPES ADJACENT TO YOUR PROPERTY MAY BE OWNED BY THE CITY OF LITTLETON. IF YOU HAVE ANY QUESTION ABOUT WHOSE PROPERTY YOU NEED TO CROSS, PLEASE CHECK WITH THE CITY OF LITTLETON (303-795-3700).
 - ANY PERMISSION GRANTED HEREIN TO CROSS HOA OR DISTRICT PROPERTY IS NOT DEEMED PERMISSION TO CROSS PROPERTY OWNED BY THE CITY OF LITTLETON. IF YOU INTEND TO CROSS PROPERTY OWNED BY THE CITY OF LITTLETON, YOU SHOULD MAKE ARRANGEMENTS WITH THE CITY OF LITTLETON, AND OBTAIN THE NECESSARY APPROVALS TO DO SO.
1. In order to be granted permission to cross HOA or District property, you must show hardship related to alternative access possibilities. Please describe in detail your reason for requesting this access.

2. If the committee grants permission based on your explanation above, the following conditions must be met:
- Before access is permitted across the HOA or District property, a \$ 1,000 damage deposit shall be placed with the District by means of a cashier's check or a bank teller check.
 - Upon final inspection of the affected area subsequent to the improvements being completed, the District will have the right to withhold all or part of the deposit based on any expenditures made, or costs incurred, by the District to repair any damage caused by the homeowner or the homeowner's contractors.
 - The homeowner shall remain liable for any damages, expenses, costs or fees incurred or charged by the District or the HOA in performing all work or for inspections or for any other time spent by the District or the HOA. Such amounts may exceed the \$1,000 deposit.
 - Upon satisfactory completion of the work, any unused portion of the damage deposit shall be returned to the homeowner without interest.
 - Any fence removal/replacement will be performed by the District. The homeowner is responsible for coordinating this removal and replacement with the District. The homeowner must pay a non-refundable fee to the District in an amount determined by the District for this work to be done. Only one fence panel may be removed for access.
 - The maximum allowable time for access across HOA or District property and fencing is 16 calendar days (this allows three weekends and two weeks' worth of access).

Homeowner is responsible for ensuring the protection of HOA and District property, including but not limited to, fencing, landscaping, hardscape, sprinkler systems, grade, or any other improvements, from damage caused by the work done by, or equipment used by, the homeowner or the homeowner's contractors. This may require a ramp system to avoid damage.

The City of Littleton restricts the placement or storage of landscape or construction materials in public rights of way.

3. Homeowner agrees to indemnify HOA and the District, and each of their members, directors, officers, managers, committee members, employees and agents, and hold them harmless from any loss, liability, damage or claim (including attorney's fees incurred in defending against the same by attorneys selected by such indemnified parties) arising out of or related to any use of, or access on or over, HOA or District property by homeowner or by homeowner's contractors, subcontractors, agents or employees.

The acknowledgments are made and conditions agreed to this _____ day of _____, 20____.
Homeowner(s):

(Signature)

(Signature)

(Printed Name)

(Printed Name)