

BOXWOOD GREEN HOMEOWNERS ASSOCIATION ALTERNATIVE ENERGY POLICY

Purpose of Policy. To establish reasonable control, use and location of alternative energy devices and equipment in the Boxwood Green community.

Background. Section 55.1-1819(A) of the Virginia Property Owners' Association Act provides the Board of Directors ("Board") of Boxwood Green Homeowners Association, Inc. ("Association") the authority to establish, adopt, and enforce rules and regulations with respect to use of the common areas and with respect to such other areas of responsibility assigned to the Association by the Declaration of Covenants, Conditions and Restrictions for Boxwood Green, as amended ("Declaration").

Section 2(b) of the Declaration requires written approval of the Association prior to any structure being erected, placed, or altered on any lot. Alternative energy devices, including but not limited to those for wind and solar energy capture, require such approval.

Section 67-701(A) of the Virginia Code provides that community associations may establish reasonable restrictions concerning the size, place, and manner of placement of solar energy collection devices on property designated and intended for individual ownership and use. The Board has determined it necessary and appropriate to establish reasonable restrictions concerning the size, place and manner of placement of solar energy collection devices and to provide further guidance regarding the considerations and guidelines for approval of such devices by the Architectural Review Committee ("ARC"). Section 9(e) of the Declaration provides that no solar energy collection devices shall be installed or used on any lot without the prior written approval of the ARC.

General Considerations for Wind Power

Installations of wind energy conversion systems ("WECS") designed to power more than a small motor such as one used to run a single ventilation device are prohibited. Those powering a single small device mounted on the exterior of any structure must be approved by the ARC using its standard application process.

General Considerations for Solar Panels

Approval by ARC is required prior to the installation of solar panels or other solar energy collection devices including without limitation solar panels and shingles and their associated components, hereinafter referred to collectively as "Solar Panels."

The quality, design, color, type, style, configuration and location of the proposed Solar Panels must be compatible and visually integrated with the architecture of Boxwood Green and must be positioned so reflected light does not intrude onto adjoining properties or interfere with water or road traffic.

Specific Guidelines

1. Location. No owner may install Solar Devices in the common area or on any property owned by the Association. Solar Panels shall be mounted to the rear side of the roof of the dwelling; provided, however, that if a different location is required to enable proper functioning of the Solar Panels, the ARC will consider such requests on a case-by-case basis. Ground installations for Solar Devices are not permitted.

Solar Panels will be approved only if there is minimal or no visibility of the Solar Panels from the street or the cove. In cases where the acceptable placement location, as described in this paragraph, for Solar Panels is not adequate for the effective collection of solar energy, the ARC reserves the power, in its sole discretion, to grant a variance from any of the requirements expressed herein, but shall endeavor to protect the community from any architectural blight and from intrusion caused by reflected light to the greatest degree possible and strive to ensure that all concerns over safety are satisfied.

2. Approvals. All applications for the installation of Solar Panels will be reviewed by the ARC on a case-by-case basis; however, the following requirements must be met for all applications.
 - a. The lot owner must submit the standard application to the ARC for review and must receive written approval before the installation begins. The application must be accompanied by the following: detailed plans for installation and placement of solar devices; required permits and approvals including but not necessarily limited to those listed in the other paragraphs in this section; illustrated brochure of the proposed system depicting materials to be used; and, drawings showing the location and number of collectors, the attachment to the roof structure and the location of exterior components.
 - b. Only commercially or professionally made solar devices are allowed. Homemade devices are not permitted due to considerations of both safety and aesthetics. All Solar Devices must be installed in compliance with manufacturer's instructions and in manner that does not void material warranties. Licensed craftsmen must be used where required by law. The Association strongly suggests using a licensed solar equipment contractor with at least one owner or senior management having a North American Board of Certified Energy Practitioners (NABCEP) certification or similar certification and with knowledge of permit requirements. Regardless of the contractor, the lot owner is entirely responsible for obtaining the required permits.
 - c. A Franklin County building permit is required before installation of any solar devices, unless Franklin County determines otherwise.
 - d. Appalachian Power Company ("AEP") approval is necessary, unless AEP determines otherwise. Form NMIN and required plans and insurance must be submitted prior to installation of Solar Panels.

- e. If the roof of the dwelling is deemed an untenable location for the Solar Panels and they are placed on a dock roof, AEP's Shoreline Management approval also is necessary in accordance with the Shoreline Management Plan ("SMP"). Additionally, AEP's SMP states "Solar Panels may not be mounted as free-standing structures connected to, or adjacent to docks or piers located within the project boundary."
- f. Lot owners are urged to check with their homebuilders and insurance companies regarding the impact of solar devices on the structure and roof warranties.

Neither the ARC nor the Association's Board of Directors is liable to lot owners from roof damage or the effects to roof warranties. The Association and the ARC have no expertise or special knowledge regarding Solar Devices and systems. Therefore, their approval is not a representation that the devices and systems chosen by the lot owner are safe to use or compatible with the lot owner's roof or other structures. **The lot owner assumes all risks regarding installation and use of such a system.**

- 3. Installation. All framing, piping, control devices and wiring must be painted to match the color of the roof or the element upon which the Solar Panels are installed. Wiring must be secured and concealed. Roof-mounted Solar Panels must be flush-mounted and parallel with the roofline upon which the Solar Panels are installed; provided, however, the ARC may, in its sole discretion, approve elevated Solar Panels on a case-by-case basis. The distance between the existing roof and the highest surface of any panel or other equipment installed on a roof shall not exceed twelve inches.

Solar Panels must be aligned so the top edge is parallel to the roof ridge line for the roof section to which it is attached. Solar panel arrangement must be in a consistent landscape or portrait orientation per each roof face and in a single, unbroken, continuous field, except where impossible due to the individual characteristics of the roof face. Solar Panels shall be located entirely within a boundary defined by the roof eaves, edges and peak. No part of the support system for the panels should be visible. Wiring should be run through the roof whenever possible. Conduit and piping, or any exposed part of the installation must not extend above the roof peak or ridge line. If the proposed elevated Panels must extend above the roof peak so as to be visible from the street level, additional information regarding the necessity of this type of placement must be provided in the application for the ARC's review.

- 4. Maintenance. All Solar Panels must be maintained in good condition at all times. Solar Panels that are no longer in use or in good working order shall be promptly removed and discarded. Owners who install or maintain Solar Panels are responsible for all associated costs, including, but not limited to, the costs of repair, replacement, removal, and restoration of the installation site to its original condition after removal of the Solar Panels. **All exterior changes become the responsibility of the current and all future homeowners to maintain.**

5. Camouflaging. The Association reserves the power to require owners to paint any portion of the Solar Panels so that it matches or is reasonably compatible with the color of the structure to which it is attached. If such a requirement would void the warranty from the manufacturer, the owner must submit a copy of the warranty to the ARC before the Association will consider absolving the owner of this requirement. The Association reserves the power to require owners to install or provide screening around the Solar Panels if the Solar Panels are visible from the street, the cove, the common area or other lots. Any such screening must be installed within one week of installation.
6. Infractions and Penalties. Violations brought to the ARC's or Board of Director's attention will be addressed in accordance with the Virginia Property Owners' Association Act, the Declaration, and the Covenant Enforcement Violation Penalties Policy.
7. Enforceability. In the event that any part or provision of this resolution shall be adjudged unlawful or unenforceable under Virginia law, the remainder of this resolution shall nonetheless survive and remain in full force and effect.

Approved by the Board of Directors: January 31, 2020