

**THE COMMON AT SINNOTT FARM  
RULES AND BYLAWS**

**AMENDMENT C – 1**

**VARIANCE and APPEAL PROCESS**

**PURPOSE:** To address and clarify the “Rules and Bylaws” covering the process for a variance and the appeals process by the Board of The Common at Sinnott Farm *and* the homeowner.

**PROPOSED:** Periodically, the Board of The Common at Sinnott Farm may be requested, by the homeowner, to accept or reject a variation to the restrictions contained within the Declaration, Bylaws, or Rules of The Common at Sinnott Farm. The following are the conditions on which the homeowner, the Covenant Committee and the Board will comply:

**VARIANCE REQUEST:**

1. The homeowner will submit to the Covenant Committee a written request for any variation to the Declaration, Bylaws, or Rules. This request shall include an explanation of the work to be performed, a sketch or plan of the work, and any other information, such as a product brochure, which the homeowner deems necessary for the Covenant Committee in making their decision.
2. The homeowner will be responsible for obtaining any and all approvals required by the Town of Bloomfield. Such approvals shall be submitted to the Covenant Committee as part of the written request for variance.
3. The homeowner may mail such request to The Common at Sinnott Farm or submit the request via email at <http://www.sinnottfarm.com>. All correspondence shall be made out to the attention of the Covenant Committee.
4. The homeowner's submittal of this request to the Covenant Committee should be made within 45 days prior to the anticipated start date in order to give the Committee time to review the application and a determine the acceptance or rejection of such request.
5. The Covenant Committee will review the homeowner application and render a decision within 14 days of the original application date. Should the Covenant Committee fail to respond within the fourteen day allotted time period, the homeowner's application shall be considered approved.


6. The Covenant Committee shall base their decision on the following criteria:
  - a. Will the variance add to or detract from the overall appearance, continuity and/or value of our community?
  - b. Is the variance within the requirements of local building and/or zoning codes?
  - c. Does the acceptance or rejection of the request break any existing State or Federal statutes?
  - d. The Committee may canvass homeowners adjacent to the submitter of the request for their input and counsel.
  - e. Other factors including the color, materials etc. which may impact the Covenant Committee's decision.
7. The Covenant Committee shall transmit in writing, to the homeowner, their decision via the U.S. Postal Service or email. This transmittal shall include their decision and any background information used in making that decision. Verbal methods for transmittal of the decision shall be considered invalid.
8. The Covenant Committee will file the homeowner's original request for a variance, any background information used in making their decision and a copy of the notification to the homeowner. This information will be retained for not less than one year.

#### **APPEALS PROCESS:**

1. The homeowner may appeal the decision of the Covenant Committee within 30 (thirty) days of the Committee's response. Failure to appeal within this time period would require a total resubmission of the variance. The process to appeal is as follows:
  - a. The homeowner shall contact the President of the Board and request that time be allocated at the next scheduled board meeting, or may request a special session of the board, to review the Covenant Committee's decision.
  - b. Should the President not be available, the homeowner shall contact, in order of succession, the Vice President, the Treasurer or Secretary.
  - c. The scheduled appeal meeting shall be constituted of at least two-thirds of the existing board membership and at least one member of the Covenant committee plus the homeowner.
  - d. The homeowner shall present any information, in writing or by testimony, on why the Covenant Committee's decision should be repealed.
  - e. The Covenant Committee shall present any information, in writing or by testimony, on why their decision should be upheld.
  - f. The Board shall reconvene to an executive, closed-door session to review the information garnered from the homeowner and the Covenant Committee,
  - g. This executive session may be at the time of the appeal meeting or within 7 (seven) days of said meeting.
  - h. A simple majority of the Board will be needed to uphold the homeowners appeal.

- i. The Board shall inform the homeowner, in writing of its decision within 10 business days from the original appeal meeting.
- j. All information generated during the appeal meeting, or in succeeding meetings, either by the homeowner, the Covenant Committee, or the Board shall be made part of the original variance file.
- k. The decision of the Board is considered final. The homeowner, however, may at anytime resubmit to the Covenant Committee their request for variance to the Declarations, Bylaws and Rules.

THE COMMON AT SINNOTT FARM, INC.

Approved:   
Robert Woods, President

Approved:   
Ann Hanks, Vice President

Date: 2/21/12

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