

CONTRACTOR CONSTRAINTS

In the preparation of final plans and specifications for homes in East Meadows, constraints are placed upon the contractors. The EMACC strongly recommends that a copy of these Contractor Constraints be attached to construction contracts between the owner and the contractor. If violations are found, the EMACC shall notify both the contractor and the owner. A \$5,000 deposit is required from all contractors to insure compliance with these Contractor Constraints as well as all other policies and regulations applicable to East Meadows, whether now in force or later adopted, including, without limitation, EMACC guidelines and the CC&Rs for the development.

The following checklist will be developed for each lot on a case by case basis. This will allow the contractor and the EMACC to agree on the appropriate constraints, in writing, taking into account your lot’s location, house design, and surrounding dwellings. These constraints will be discussed at the Contractor meeting held prior to the start of construction, but after the installation of erosion control, vegetative protective fencing, tree battering, property corner locations, and building survey. It is strongly suggested that the owner and excavation subcontractor attend this meeting also.

CONSTRUCTION CANNOT BEGIN UNTIL THESE CONTRACTOR CONSTRAINTS HAVE BEEN SIGNED BY ALL PARTIES, INCLUDING THE CONTRACTOR.

CONTRACTOR CONSTRAINTS CHECKLIST

_____1. The property corners are to be string lined for immediate identification of property boundaries by the contractor throughout the course of construction.

_____2. Access to the site will occur as follows:_____

Approval of adjacent owner received (if necessary):_____

Name of Adjacent Owner and date of approval:_____

_____3. Vehicles must stay on pavement. Vehicles are not to be driven or parked on any unpaved area except as is absolutely necessary within the boundaries of the parcel under construction and only in a manner that minimizes damage to the natural foliage. When this is necessary, the road berms and curbs must be adequately protected from damage. Under no circumstances is it permissible to leave a construction vehicle parked on the site overnight.

Between May 15th and October 15th, all parking shall be on the uphill side of the road. Parking is prohibited by County Ordinance on the roadway between October 15th to May 15th; Vehicles must be parked in parking pads or driveways during this time.

_____4. A speed limit of 25 mph must be abided by at all times throughout East Meadows. Contractors are responsible for ensuring that all employees, suppliers, and subcontractors at every tier, shall adhere to all speed limits at all times, while travelling

within Kirkwood. Speed limits and traffic laws are enforced by the local law enforcement agencies.

_____5. Debris of all types should be properly contained in an on-site dumpster and promptly disposed of. Under no circumstance is debris of any type to be placed on burn piles, community collection bins or any other area within East Meadows. Contractor is expected to make a conscious effort to maintain a clean and safe construction site daily and to abide by the waste management ordinances in place at Kirkwood. The streets and driveway adjacent to job site are to be swept at the end of each day.

Contractor is aware that special attention is to be paid to garbage from workers' lunches and breaks. This type of garbage attracts the many animals (bears, etc.) who live in the Kirkwood area and creates not only a nuisance, but also the potential for safety problems (for the bears and the homeowners).

Contractor shall also be aware that the wind can carry garbage away from jobsite to other areas of the association and Kirkwood. Contractor shall pick up jobsite daily.

Construction dumpster shall be located: _____

_____6. Materials shall be stored at the following locations: _____

All areas of material storage must be maintained in a clean and safe fashion. Contractor shall order material for his job in such a way that accommodates construction and doesn't overload the site. Material storage that may be allowed above in a parking bay location shall only be for items that typically require a longer lead time and are received before they are needed on the job, i.e., timbers, roof panels, glulams, etc. The parking bays are not for the storage of items that will remain for the entire summer, i.e., sand, gravel, etc. The use of parking bays and common area for material storage is limited to the summer months only (see No. 19 below).

_____7. Storage container shall be located: _____

Storage container must be dark in color and contain no advertising.

_____8. When working in close proximity to trees, the trees must be protected from impact from vehicles and equipment. Protection shall be in the form of vegetative protective fencing and battering as shown on the approved plans and required by the Guidelines and shall be maintained over the life of the project. Trees damaged during construction must be treated immediately with linseed oil or other approved sealer.

Contractor is aware that all vegetation is hard to restore at Kirkwood. Special care shall be taken to minimize the extent of disturbance to vegetation on the lot and in common areas.

_____9. Contractors shall have temporary erosion control measures in place prior to construction. Contractor is responsible for ensuring that erosion control is maintained over the life of the project and adjusted according to the construction in progress at all times. Contractor is aware that the site will need to be winterized prior to October 15th.

_____10. It is imperative that the contractor exercise all fire prevention cautions and exercise extreme care so as to eliminate any condition that might contribute to the danger of fire. Smoking is permitted only in cleared or paved areas with no exceptions.

_____11. Hazardous materials nor hazardous wastes may be stored on EMHOA common area property. Contractor shall keep all equipment in good working order. Equipment which is leaking shall be repaired immediately. Contractor shall be responsible for cleaning up all hazardous material spills and leaks.

_____12. Immediately upon final Inspection and completion of your home, all construction signs must be removed and a final clean-up accomplished.

_____13. Strict compliance with the Declaration of Covenants, Conditions, and Restrictions, the Design Guidelines and all governmental rules and regulations will be required at all times.

_____14. Contractor is aware of the color restrictions at Kirkwood. **Any** changes to those shown and approved on the plans must be resubmitted to the EMACC, TC-TAC, and USFS prior to installation. The colors and materials approved by the ACC are: _____

_____15. Contractor is aware that they are to construct the improvements in accordance with the plans approved by the EMACC. Any changes to the approved plans require re-submittal and approval of EMACC and possibly other agencies prior to their construction. Failure to construct the improvements in accordance with the approved plans shall result in the loss of the owner's compliance deposit. The following restrictions or comments were noted by the EMACC on the final plans: _____

_____16. Noise should be controlled to the greatest extent possible. Construction work may not commence prior to 7:00 am or continue beyond 7:00 pm, per EMHOA and County rules. Radios playing at high volumes are not permitted, and radios shall not be able to be heard beyond the property line. Noise from construction personnel and equipment must be kept at a minimum outside of the construction hours, meaning that car doors slamming, and concrete trucks and pumpers and other equipment idling are unacceptable!

_____17. During the time of construction of any dwelling or other improvement, one job identification sign having a maximum face area of eight (8) square feet and of the type usually employed by contractors, subcontractors, and tradesmen may be posted on the property. This sign must be removed immediately upon completion of the project.

_____18. Permanent snow stakes in conduit must be in place prior to October 15 of the first winter of the project. Exceptions are only permitted for projects which are only at the excavation or foundation stage and upon which no construction will take place during the winter, or with approval by EMACC Representative and EM Snow removal contractor.

_____19. In the winter, Contractor shall mark all materials stored in the driveway or other areas where it may impact snow removal operations. Contractor shall also keep driveway and roadway clear of debris during the winter so that it does not hamper snow removal operations or cause damage to the equipment. Cooperation with snow removal to facilitate proper snow removal is expected. All materials, dumpsters, portable toilets, etc. shall be out of all common area locations (roadway, parking bays, etc.) between October 15th and May 15th and located on the job site.

_____20. Dogs on job sites must be on a leash and located so as to not interfere with vehicular traffic or pose a threat to pedestrians.

_____21. Portable toilets are required in accordance with Health and Safety laws. Portable toilet shall be located:_____.
Contractor is aware that high winds at Kirkwood can cause an unstable portable toilet to fall over. Caution should be exercised when setting up or moving portable toilets to help eliminate this from happening.

_____22. A copy of these Contractor Constraints shall be kept on the job site at all times. Contractor is responsible for communicating the Contractor Constraints to all subcontractors and is further responsible for compliance by all subcontractors with the Contractor Constraints as well as with all other policies and regulations applicable to East Meadows , whether now in force or later adopted, including, without limitation, EMACC guidelines and the CC&Rs for the development. Violations of these Contractor Constraints by subcontractors shall be grounds for the imposition of fines against the contractor, which shall be deducted from the contractor's deposit.

_____23. Soil cannot be stored in the roadway for more than 72 hours and not at all on weekends. Contractor is responsible for arranging for alternative storage locations. Soil will be hauled to:_____

_____24. The cost of enforcing the terms of the EMACC approvals and the Contractor Constraints by the EMACC Consulting Engineer or other representatives are payable by the owners. The project shall be subject to all existing, as well as any later adopted or amended, policies and guidelines.

_____25. Additional site specific issues: A. Tracked vehicles are not allowed to travel directly on the paved roads of the subdivision._____

Receipt of \$5,000 Contractor Deposit_____

Receipt of \$3,500 Compliance Deposit (Construction) _____

Receipt of \$2,500 Compliance Deposit (Re-vegetation) _____

Certification of foundation layout by Registered Land Surveyor received?_____

If design driveway grade is greater than 7 %, signed and stamped certification of foundation elevation prior to pouring concrete by Registered Land Surveyor received by EMACC Representative and Alpine Co. Building Dept.? _____

Foundation Layout and lot stakeout verified against plans?_____

Building Permit plans verified against EMACC approved set?_____

Cheat Sheet provided for installation in porta-potty or other central location._____

Contractor Representative (including telephone number) who will be on jobsite everyday during construction and can be contacted in the event of questions or problems: _____

EMACC representative, John Reiter, can be contacted at (209) 753-0244 johnreiter@kirkwoodcp.com in the event of questions, problems, etc.

By signing below, the contractor and the owner agree that (i) all construction on the lot will be subject to these Contractor Constraints, (ii) the contractor and the owner have had a fair opportunity to review and discuss these Contractor Constraints, and (iii) approval of the project is specifically contingent on their agreement to, and compliance at all times with, these Contractor Constraints.

The contractor agrees that any violations of the provisions of the Contractor Constraints by the contractor and/or any subcontractor shall result in the imposition of a fine, which shall be deducted from the deposit referred to above. Contractor and owner have received and reviewed a copy of the fine schedule for violations. The fine schedule shall be subject to modification by the East Meadows Homeowners Association and any such modification shall apply to this project upon its adoption.

This document is specifically intended to be a binding, enforceable contract between the parties, including the contractor.

Contractor Constraints agreed to and accepted by:

EMACC Representative _____ Date _____

Contractor _____ Date: _____

Owner _____ Date: _____

Copies: Contractor
Owner
EMACC project file # _____