

**SEA PINES CONDOMINIUM ASSOCIATIONS  
Brewster, MA**

**REQUEST FOR VARIANCE TO INSTALL PHOTOVOLTAIC SOLAR  
PANELS (PSPs) AT UNIT OWNER EXPENSE**

TO: Sea Pines Facilities Management Board

FROM: \_\_\_\_\_  
Name of Unit Owner(s)  
\_\_\_\_\_  
Unit No. and Address \_\_\_\_\_ / \_\_\_\_ / \_\_\_\_  
Date of Request

See the Sea Pines Policy and Procedures Regarding Installation of Photovoltaic Solar Panels (“PSPs”) found in the Interior/Exterior Improvement Rules section of the Sea Pines website: [www.seapinesbrewster.com](http://www.seapinesbrewster.com), which should be reviewed in its entirety before completing and submitting this Request. In addition to the Policy and Procedures, and the Special and Standard Conditions noted below, Sea Pines has established certain work guidelines and standards which must be adhered to. These guidelines and standards are also found in the Interior/Exterior Improvement Rules section of the Sea Pines website: [www.seapinesbrewster.com](http://www.seapinesbrewster.com).

**DESCRIPTION AND LOCATION OF PSPs AND RELATED EQUIPMENT TO BE INSTALLED:**

Work and PSP’s (including related equipment) to be installed within Common Area (see Paragraph E of ADDENDUM):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**SOLAR CONTRACTOR INFORMATION:**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Email: \_\_\_\_\_  
Professional License #: \_\_\_\_\_

**STRUCTURAL ENGINEER INFORMATION:**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Email: \_\_\_\_\_  
Professional License #: \_\_\_\_\_

**NOTIFICATION AND CONSENT**

Prior to its submission to the FMB, the Unit Owner shall provide a copy of this variance request to all Adjoining Unit Owners [if any], Impacted Unit Owners [if any], and the Unit Owner’s own mortgagee(s) [if any]. Adjoining Unit Owners and Impacted Unit Owners may note their agreement or disagreement with the proposed work in the space provided below and return it to either the Unit Owner requesting the variance or the FMB [via the Managing Agen] via email or regular USPS mail. or at an FMB meeting. Unit Owner, Adjoining Unit Owner and Impacted Unit Owner comments at Grounds Committee meetings shall generally be limited to five minutes at the discretion of the President of the FMB. The requesting Unit Owner shall be responsible for notifying any mortgagee(s). Refer to Section D the Sea Pines Policy and Procedures Regarding Installation of Photovoltaic Solar Panels (“PSPs”).

- A. The owners of all Units shown on the recorded condominium plans as immediately adjoining (i.e. next to or touching at some point or along a line) the common area in which the PSP’s and related equipment are to be installed (“Adjoining Unit Owners”); and
- B. The owners of any Unit the access to which will be directly and substantially impeded by the common area in which the PSP’s and related equipment are to be installed or by the proposed PSP’s and related equipment (“Impacted Unit Owners”); and
- C. The Unit Owner’s mortgagee(s).

**The consent of Adjoining Unit Owners [if any] and Impacted Unit Owners [if any] will be required under the Massachusetts Condominium Statute before a grant of limited common area can be recorded at the Barnstable County Registry of Deeds and made effective. Further, the Unit Owner’s mortgagee(s) [if any] consent will be required to execute the grant of limited common area.**

**ADJOINING UNIT OWNER RESPONSE**

Name \_\_\_\_\_

Unit Address \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Agree or Disagree with Variance Request (circle one)

**IMPACTED UNIT OWNER RESPONSE**

Name \_\_\_\_\_

Unit Address \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Agree or Disagree with Variance Request (circle one)

**SUBMISSION OF VARIANCE REQUEST:**

Variance requests must be submitted to the FMB via Mercantile Property Management, the Sea Pines Condominium Associations’ managing agent, and received at least fourteen (14) days prior to a FMB

Meeting for consideration at that meeting.

Mercantile Property Management  
Email: [mpm@mercantileproperty.com](mailto:mpm@mercantileproperty.com)  
Fax #: 508-759-5977  
Mail: PO Box 790, Buzzards Bay, MA 02532

**I/We, the Owner(s) of Sea Pines Condominium \_\_\_ Unit No. \_\_\_, located at the address shown above on page 1, agree to comply with all stated conditions pertinent to this request.**

**In the event that the specifications in the approved variance request are not followed in all respects, Unit Owner(s) shall, at their own sole cost and expense, promptly correct any deviations from the approved variance as directed by the Grounds Committee, FMB or Board of Managers. Timely failure to do so may result in a fine.**

\_\_\_\_\_  
Signature  
**Unit Owner**

Date \_\_\_\_\_

\_\_\_\_\_  
Signature  
**Unit Owner**

Date \_\_\_\_\_

**DECISION OF FMB:**

\_\_\_\_\_ Request is **APPROVED** and is **valid for one year from date of approval**, subject to the Policy and Procedures Regarding Installation of Photovoltaic Solar Panels (“PSPs”), Standard Conditions noted in the section below, the Sea Pines Interior/Exterior Improvement rules, and the following conditions as indicated:

\_\_\_\_\_ Approved as submitted.

\_\_\_\_\_ Approved with conditions:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ Request not approved as submitted. Further action / conditions required:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ Request is denied. Reason:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The FMB shall notify the Unit Owner requesting this variance of their decision. Adjoining Unit Owners, Impacted Unit Owners, and Affected Unit Owners who have indicated to the Grounds Committee their disagreement with the issuance of this variance shall also be notified.

**INSTALLATION OF PSPS SHALL NOT UNDER ANY CIRCUMSTANCES COMMENCE UNLESS AND UNTIL THE FMB HAS APPROVED THE REQUEST FOR VARIANCE AND THE 30 DAYS HAVE ELAPSED FOLLOWING THE RECORDING WITH THE BARNSTABLE COUNTY REGISTRY OF DEEDS OF THE GRANT EXECUTED BY THE BOARD OF MANAGERS OF THE APPLICABLE SEA PINES CONDOMINIUM ASSOCIATION, THE GRANTEE UNIT OWNER, AND THE UNIT OWNER’S MORTGAGEE(S).**

\_\_\_\_\_  
Signature  
**President of the Facilities Management Board**

Date: \_\_\_\_\_

## ADDENDUM

### **STANDARD CONDITIONS CONCERNING VARIANCES**

- A. During the period from the Friday of Memorial Day weekend through and including Labor Day, work may only be performed on weekdays between the hours of 7:00 am. and 5:00 pm. and overnight storage of trailers or work vehicles is prohibited.
- B. Landscape plantings made in Condominium common areas resulting from this variance request and paid for by the Unit Owner shall remain under the ownership and control of the FMB or Association of the Sea Pines Condominium in which the Owner's Unit is located without exception, provided that the Unit Owner may elect to maintain such landscape plantings at their expense. If the Unit Owner or the successor Unit Owner fails to maintain the plantings, the FMB may assume responsibility for the maintenance of such plantings. The FMB and/or Association of the Sea Pines Condominium in which the Owner's Unit is located has the sole authority to determine whether Unit Owner-funded landscape plantings are being properly maintained.
- C. Per Section 7 of Article VII of the By-Laws of each Sea Pines Condominium Association, the master insurance policy for that Condominium only covers fixtures as originally constructed. It is the responsibility of each Unit Owner or successor Unit Owner to increase their personal homeowner insurance coverage in the case of substantial interior improvements, including the installation of any photovoltaic solar panels installed pursuant to a grant of limited common area.
- D. It is understood that the granting of a variance to perform the work requested does not burden the Condominium Board of Managers nor the Facilities Management Board, their officers, members, or agents with liability of any nature. No responsibility is accepted ascertaining the legality of such actions, and no damages resulting from same will be accepted by anyone other than said unit owner, who must indemnify all such persons, and all Sea Pines unit owners, from such damages.
- E. Detailed Plan Components.

Photovoltaic Solar Panel Projects. Please include a comprehensive description of the proposed work including at minimum:

- Location, number, arrangement, size, material, and color of all PSPs and appurtenances such as wiring, including how and where all wiring or conduit will be anchored, and how the wiring or conduit will connect to the Unit Owner's electrical meter.
- Existing materials to be removed.

Building Unit Exterior Work. Plans should include a comprehensive description of the work including at a minimum the following:

1. Narrative, elevation drawing, and/or photographs of the proposed work including the location and direction of any conduit or other visible materials.
2. Type, size, description, and location of any mechanical equipment to be installed and any similar existing equipment to be removed.
3. Name and license number of all contractors and sub-contractors.

All plans should have a title block with the following information:

- Unit number and street
- Name of the preparer and phone number
- Plan title
- Date of the plan
- Scale used for the plan

1090838.7