

**SEA PINES CONDOMINIUM ASSOCIATIONS  
Brewster, MA**

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

TO: GROUND'S COMMITTEE (as agent of the Sea Pines Facilities Management Board)

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

**DESCRIPTION AND LOCATION OF PROPOSED WORK AND FACILITIES TO BE  
INSTALLED:**

Work and PSP's (including related equipment) to be installed within Common Area (provide scaled diagram; see Paragraph E of ADDENDUM):

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

**Your attention is directed to the *Policy and Procedures Regarding Installation of Photovoltaic Solar Panels ("PSPs")*, 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 for materials, including but not limited to windows, doors, skylights, and light fixtures, which must be adhered to. These guidelines and standards are found in the Interior/Exterior Improvement Rules section of the Sea Pines website: [www.seapinesbrewster.com](http://www.seapinesbrewster.com).

**In the event that the specifications in the approved variance request (which may include a detailed plan, if required) are not followed in all respects, the 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.**

**SOLAR CONTRACTOR INFORMATION:**

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

**STRUCTURAL ENGINEER INFORMATION:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

Professional License #: \_\_\_\_\_

**NOTIFICATION:**

Before this application may be acted upon, notification of the proposed installation work must be given to:

- A. All Unit Owners whose Unit, as shown on the recorded condominium plans, adjoins (is next to or touching) the common area where the PSPs and related equipment is to be installed (“Adjoining Unit Owners”);
- B. All Unit Owners whose access to their Unit will be directly and substantially impeded by the PSPs and related equipment (“Impacted Unit Owners”);
- C. The Owners of all Units located within 200 feet of the common area in which the PSPs and related equipment are to be installed and who will be able to see the proposed PSPs and related equipment from the doors or windows of their Units (“Affected Unit Owners”); and
- D. The Unit Owner’s mortgagee(s).

The Unit Owner is to provide a list of the individuals/entities required to be notified to the Grounds Committee. The Grounds Committee, FMB and Board of Managers reserve the right to supplement this list.

Prior to its submission to the Grounds Committee, the Unit Owner shall provide a copy of this variance request to the Unit Owner’s own mortgagees and, if applicable, all Adjoining Unit Owners, Impacted Unit Owners, and Affected Unit Owners. Adjoining Unit Owners, Impacted Unit Owners and Affected 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 Grounds Committee via email or regular USPS mail, or at a Grounds Committee meeting. Unit Owner, Adjoining Unit Owner, Impacted Unit Owner, and Affected Unit Owner comments at Grounds Committee meetings shall generally be limited to five minutes at the discretion of the Chairperson. **Adjoining Unit Owner, Impacted Unit Owner and Affected Unit Owner responses will be carefully considered but are not binding on the decision of the Grounds Committee.**

**However, the consent of Adjoining Unit Owners and Impacted Unit Owners 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. Please note that not every application will have Adjoining Unit Owners or Impacted Unit Owners. Please review the definitions of both terms carefully and contact the FMB or Board of Managers with any questions. Further, please note that in all cases, the Unit Owner’s mortgagee(s) 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)

**AFFECTED UNIT OWNER RESPONSE**

Name\_\_\_\_\_

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

Signature\_\_\_\_\_Date\_\_\_\_\_

Agree or Disagree with Variance Request (circle one)

**UNIT OWNER'S MORTGAGEE RESPONSE**

Name\_\_\_\_\_

Book and Page Number of Mortgage or Assignment\_\_\_\_\_

Signature\_\_\_\_\_Date\_\_\_\_\_

Agree or Disagree with Variance Request (circle one)

**UNIT OWNER'S MORTGAGEE RESPONSE**

Name\_\_\_\_\_

Book and Page Number of Mortgage or Assignment\_\_\_\_\_

Signature\_\_\_\_\_Date\_\_\_\_\_

Agree or Disagree with Variance Request (circle one)

**SUBMISSION OF VARIANCE REQUEST:**

Variance requests must be submitted to the Grounds Committee via Mercantile Property Management, the Sea Pines Condominium Associations' managing agent, and received at least seven (7) days prior to a Grounds Committee 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.**

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

Date \_\_\_\_\_

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

Date \_\_\_\_\_

**DECISION OF GROUNDS COMMITTEE:**

\_\_\_\_\_ 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:

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

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\_\_\_\_\_ Request is denied. Reasoning:

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The Grounds Committee 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.

For the Sea Pines Facilities Management Board:

\_\_\_\_\_  
Signature

**Chairperson, Grounds Committee**

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

**APPEAL OF DECISION**

The Unit Owner requesting this variance, or an Adjoining Unit Owner, Impacted Unit Owner, or Affected Unit Owner who through the process above has indicated to the Grounds Committee disagreement with the issuance of this variance, may appeal the decision of the Grounds Committee to the full Sea Pines Facilities Management Board (FMB). Such Unit Owner(s) shall notify the FMB (through Mercantile Property Management, the FMB’s managing agent) within seven (7) days from date of the decision of their intent to appeal. That appeal will be heard at the next regularly scheduled meeting of the FMB.

## **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, size, materials 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

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