

STATEMENT OF COMMUNITY EXPECTATIONS
COMMON UNDERSTANDING AS TO EXTERIOR MAINTENANCE
July 20, 2020

This document is provided as a guide to the Community Expectations of the Members of the Flints Grove Homeowners Association (the "Association" or "FGHOA") for Exterior Maintenance of their Lots and Dwellings. The numbered paragraphs below assist homeowners with the safe and sanitary upkeep of their properties, thus maintaining the value of their Lot or Dwelling, the surrounding Lots and Dwellings, and the homeowner's property as a whole.

It is not possible for the Flints Grove Homeowners Association to set clear, objective standards for every possible homeowner's property condition. Depending on a homeowner's resources and inclinations some properties will be better maintained than others. If the condition of a Lot or Dwelling has deteriorated to the point where it stands out relative to most other Lots and Dwellings (i.e. is an outlier in the community), or it represents a risk to other members of the community, then the homeowner should feel obliged to improve the condition of their Lot or Dwelling.

This Common Understanding as to Exterior Maintenance has been prepared and approved by the Architectural and Environmental Control Committee (the "AECC") and the Association's Board of Directors on July 20, 2020 and is hereby adopted as additional rules of the Association's Governing Documents. All in accordance with the authority provided in Article VIII, Sections 2 and 6 of the March 18, 1982 Declaration (the "Declaration"), and subsequently registered in the Depository of the Association on July 22, 2020 to form an integral part of the Association's Governing Documents. These paragraphs are in addition to all other obligations and rules set forth in the Declaration. Examples set forth in the following paragraphs are not meant to be an exhaustive list of items which should be kept in good repair. Except as defined in this document, terms used in this document shall have the same meaning as terms defined in Article I, Section 1 of the Declaration.

Each Lot and Dwelling, whether occupied or unoccupied, shall comply with the following requirements:

1. Maintenance of Dwellings. The Declaration provides: "The owner of any lot shall at his own expense, maintain his lot and dwelling, and any and all appurtenances thereto, in good order, condition and repair and in a clean, sightly and sanitary condition at all times." (Article V, Section 1 at page 7). Items including but not limited to exterior paint (for trim, doors and siding), windows, entrance doors, garage doors, roofs, decks, lights, fences, retaining walls, siding, screens, basketball hoops, mail boxes, and driveways shall be repaired as needed in good time.

2. Landscaping of premises. The landscaping of homeowner premises shall be maintained in an orderly state with mowed lawns, including mowing and maintenance of the Right-of-Way section to the curb of their properties, and bushes trimmed and free from becoming unsightly or overgrown, exterior property to be free from weeds, dead trees, above-the-ground tree stumps, tree logs, or dead shrubs, and free from being littered or unsightly where such would constitute a hazard, a nuisance, or a blighting effect on nearby property. Garden mulch should be used from commercially available sources. No wood chips from free mulch programs should be used as these chips are large, pale shards of freshly cut trees right out of the commercial chipper-shredder. These shredded chips are good for woodland and garden paths but not as a soil covering as they are too coarse to use as mulch or soil amendment, they rob plants of soil nitrogen as part of their decaying process and they take at least a year to break down.

Owners are required to remove fallen leaves from yards and the street gutters with reasonable promptness to prevent them from being blown onto other owners' yards or clogging storm drains. Potted plants are not permitted in the middle of front lawns. Tall stakes used to deter deer should not protrude above the plantings. To preserve the look and feel of the community, front yards should not be used for temporary storage and only backyards should be used for drying tents or camping gear outside of the general view of the community.

3. Noxious plant growth. All exterior property areas shall be kept free from species of weeds or plant growth which are noxious, unsightly, or detrimental to the public health such as poison ivy, or invasive plants difficult to eradicate, such as bamboo. Planting of any species of bamboo is strictly prohibited.

4. Homeowner Trees. Rules for cutting down **trees located inside a homeowner's property** are included in Article VIII, Section 7 (i) of the Declaration: "**no sound hardwood trees** measuring in excess of six (6) inches in diameter two (2) feet above the ground **shall be removed from any lot without written approval of the Association acting through the Architectural and Environmental Control Committee** or duly appointed subcommittee. The Architectural and Environmental Control Committee may from time to time adopt and promulgate such additional rules and regulations regarding the preservation of trees and other natural resources and wildlife as it may consider appropriate."

5. Montgomery County Trees. Certain trees such as the maple trees lining the Flints Grove Lane street are **Montgomery County trees**. While physically residing squarely within a homeowner's property such trees are on the right-of-way and the Declaration Rules do not apply to such trees. Consequently, **homeowners are requested not to remove these trees and to contact 311 to have Montgomery County remove or maintain street trees if warranted**. "The county is responsible for the health and maintenance of county-owned trees and the Department of Transportation is the agency in charge. Permits are required to do anything that impacts a county-owned tree." Please refer to the FAQs located on the FGHOA Website for further information. Montgomery County tree regulations are located in: <https://www3.montgomerycountymd.gov/311/SolutionView.aspx?SolutionId=1-791L> and <https://www.montgomerycountymd.gov/green/trees/permits-and-concerns.html> <https://www.montgomerycountymd.gov/DOT-Highway/Tree/index.html>

6. FGHOA-owned Trees. Flints Grove HOA owns an indeterminate number of trees along the Trail and in certain common areas. The HOA is responsible for the removal of dead HOA trees or HOA trees impacted by storms which block the use of public areas. Such trees will be left in place in the woods. The HOA is **not** responsible for tree branches falling on homeowner's properties. Homeowners are responsible for removal of overhanging branches from HOA trees on their properties.

7. Sanitation. All exterior property areas shall be maintained in a clean and sanitary condition, free from any accumulation of litter, rubbish, refuse, trash or garbage, including but not limited to the presence of, paper, boxes, cans, bottles, tires, trimmings from lawns, hedges, shrubs, tree limbs or log piles, fuel oil, lubricating oil, gravel, broken stone, mortar, leftover construction or paving materials (flagstone or concrete blocks), and unused accumulations or piles of mulch bags, hay, straw, manure, shavings, sawdust, coal, or ashes. This section shall not be applicable to properly maintained compost piles which are discretely located in backyards.

8. Pet Waste. Dog owners are required to clean up after their dogs in all public areas, private homeowner properties, and HOA common area pathways and the pet's waste discarded in appropriate bags inside the dog owner's trash can, taking care not to discard the waste on the street, sidewalk, HOA

common areas or inside another homeowner's trash can or property. This requirement includes dog walks into the woods for which owners are also required to pick up the waste or face \$100 fines. Montgomery County Code, Sec 5-203 (a)(2). Waste bags are located at the entrance of all the Common Area pathways to help maintain the pathway and wooded areas free from dog waste for the benefit of all homeowners. Additionally, bagging and properly discarding pet waste whether alongside the HOA pathway or further inside the Common Areas will help reduce bacteria levels in our local rivers and streams. The Department of Environmental Protection needs the community's help to keep our rivers clean from pet waste: <https://www.montgomerycountymd.gov/water/education/pet-waste.html>

9. Storage. Members shall avoid prolonged or repeated storage or display of household items, old appliances, large boxes, or any other unsightly containers in their front yard or driveway. Storage of lawn mowers, bags of mulch, trashcans, etc. in front yards shall be prohibited. Recycling and yard waste containers and bags shall not be permitted to remain in public view except on days of recycling and yard waste collection.

Homeowners are reminded that Article VIII, Section 7 (j) of our Declaration prohibits the presence of structures of a temporary character in anyone's lot.

"no structure of a temporary character, and no trailer, etc., shall be erected, used or maintained on any lot at any time".

However, under certain conditions certain temporary storage is permitted. In both cases the AECC needs to be informed beforehand to determine permit requirements and time limitations:

- Container pods for temporary storage or disposal of items are governed by Montgomery County Department of Permitting Services (DPS). Under DPS regulations temporary structures inside a homeowner's property are allowed for the duration of 7 days, beyond which permits are required, and after 7 days of the initial installation of the structures, these would need to be moved to the rear of the property for the duration of the permit: <https://www3.montgomerycountymd.gov/311/Solutions.aspx?SolutionId=1-4W0FU8>
"For a Pod only, if it is to remain for more than seven days, a Building Permit and a Use and Occupancy certificate must be obtained, and the pod must be located in the rear yard."
- Dumpsters for home construction purposes are governed by Montgomery County regulations and require contractors to secure permits before beginning construction. When AECC approvals are granted, the homeowner assumes all responsibility to secure the necessary permits for the use of such dumpsters.

10. General Obligations. Members are reminded of the obligations set forth in the Declaration. The following is only a ***partial list for reference purposes only***, and in no way diminishes or limits all the obligations contained in the Declaration:

- A. **AECC approval** is required prior to home expansions, finished living space additions or screened porch additions, installations, replacements, alterations or removals of exterior structures, including but not limited to fences, decks, patios, walkways, doors, windows, siding, roofs, exterior paint, basketball poles, swimming pools, spas, outdoor chimneys, and for the removal of any hardwood trees lying within the homeowner's property line. (Article VIII, Section 1 of the Declaration).

- B. **Prohibited Uses and Nuisances** are all included in Article VIII, Section 7 (a) through (q) of the Declaration. Some examples: (a) noxious or offensive trade or activity, (b) raising of animals, livestock or poultry of any kind, (c) burning of any trash, (d) junk vehicle, commercial vehicle, trailer or camper, etc., (e) trash cans are not to remain in public view except on the day of collection.

- C. **Fences.** Article VIII, Section 9. “Any fence constructed upon the Property shall be either horizontal rustic, unfinished split rail or vertical split sapling, or vertical board and shall not extend beyond the front building line of the dwelling on the lot upon which any such fence is erected or the front building line of the dwellings on all immediately adjacent lots. No fence shall be more than six (6) feet in height. Chain link and other wire fencing is specifically prohibited; provided, however, that wire mesh (preferably copper) may be attached to the inside of open split rail or other wood fencing. The erection of all fences shall be subject to the provisions of Article VIII of this Declaration.” Fences shall only be erected out of natural wood and may be stained or painted in natural wood tones. The sole exception to this rule is the builder boundary fences which are painted white.

- D. **Exterior Painting of Siding, Doors and Trim colors.** Homeowners shall use colors offered in the Expanded Color Palette for each of the trim, siding or doors they wish to repaint in their properties with the colors approved by the AECC and the Board in March 2018, as further expanded and approved by the AECC and the Board in March 2020 to allow the use of pre-fabricated door colors when replacing (not re-painting) doors, pursuant to the authority provided under Article VIII, Section 6 of the Declaration. The Expanded Color Palette shall be provided by the AECC at homeowner’s request.

11. **Noise.** Homeowners are reminded that Flints Grove HOA follows the Montgomery County Noise Control regulations which limit working hours from 7:00 a.m. to 9:00 p.m. on weekdays and 9:00 a.m. to 9:00 p.m. on weekends and holidays. (Chapter 31B of the Montgomery County Code of Maryland). <https://www.montgomerycountymd.gov/DEP/Resources/Files/downloads/compliance/Noise-control-ordinance.pdf> Additionally, motor vehicles are required to be equipped with exhaust muffler systems in good working order to prevent excessive or unusual noise so as not to disturb neighbors. (Section 22-402 of the Maryland Transportation Code) and modification of exhaust systems that increase sound is prohibited (Section 22-609 of the Maryland Transportation Code).

12. **Enforcement.** The primary goal in enforcing these rules is to protect community values, enhance neighborliness and establish a common look and feel in the neighborhood. To this end, the AECC, the FGHOA Board or its authorized agent, shall provide members with written notice of any violations of these paragraphs. In the event that a member does not remedy the violations within a prescribed time limit, the AECC may exercise the remedies specified in Article VIII, Section 12 of the Declaration. In enforcing any of the provisions of these paragraphs, the AECC shall comply with the procedures set forth in the Declaration and any procedures specified by Montgomery County Ordinances or Maryland State Law.