

**AERC Minutes  
October 25, 2005**

The AERC held its August meeting at the home of Bob Day on Tuesday, October 25th at 7:30pm. Members present were Bob Day, Donna Parisi, Bob Craig, Dave Minier, Paula Hadzima and Dan Navarro. Also present was Maryann Mann, homeowner, and John McCarthy, Board Liaison.

**Applications**

7238 Wapello Drive	new roof	Approved
5 Grinnell Court	new roof	Approved
15525 Grinnell Terrace	new roof	Approved
7221 Grinnell Drive	new storm door	Approved

**The Guideline Review**

The Committee conducted the final review of the draft Guidelines. 27 comments were received from the community and each was discussed and evaluated. An AERC response to each comment was created and is listed in the table below. A total of 13 edits were made to the final draft and the Committee agreed to forward the corrected final draft to the Board for approval.

**Homeowner Correspondence**

AERC members conduct monthly tours through the neighborhood and at the meeting discuss their observations. The Committee decided this month to send 5 correction letters and 6 admiration letters to –

15518 Monona Drive	broken, collapsing split rail fence (not HOA member)
15519 Monona Drive	broken, collapsing split rail fence
15519 Villisca Terrace	broken shutters, overgrown shrubbery
7306 Grinnell Drive	(1) garage door separated from frame, (2) garage floor area and driveway sunk, (3) overgrown shrubbery, (4) rusty mailbox, (5) grass growing in driveway, (6) trash receptacle in driveway
15 Monona Court	admiration letter for beautiful home/lawn/gardens
15416 Indianola Drive	admiration letter for beautiful home/lawn/gardens
7213 Bettendorf Court	admiration letter for beautiful home/lawn/gardens
7426 Monona Terrace	admiration letter for beautiful home/lawn/gardens
7333 Gold Ring Terrace	admiration letter for beautiful home/lawn/gardens

The AERC adjourned at 9:20pm.

<b>Section</b>	<b>Community Comment</b>	<b>AERC Response</b>
<b>Intro</b>	Include an Introductory Statement - source of authority, role in the community. I would include a statement up front that: "The AERC is composed of at least three (3) members of the community who are appointed by the Board of Directors to fulfill three primary and critical functions under the Association's official documents. First, the AERC approves any plans and specifications that are required to be submitted for changes to the exterior of houses. Second, the AERC establishes standards and guidelines that reflect current community standards. Third, the AERC is responsible for inspecting the community and citing violations of any provisions of the Association's Declarations and the AERC Guidelines. The Guidelines set forth herein supplement and do not alter in any way the controlling provisions of the Association's Declarations." [I would consider attaching Section 8 of the Declarations and referring to it.]	Added "Legal Basis" on page 2 that says: Attached to your property deed is a document of Declarations and Covenants that sets up the Homeowner's Association and the legal authority for neighborhood rules.  The AERC and these Guidelines derive their legal basis from this document.
<b>Applic</b>	How does the Board overturn an AERC approved application? I would indicate that the Board may initiate an appeal of any AERC determination.	Disagree. This is primary role of Board Liaison. Not needed in Guidelines.

<b>Applic</b>	The approved application should include an affirmative statement that the homeowner WILL obtain any necessary building permits and County approvals and if required permits are not obtained that the AERC's approval is considered void.	Partially agree – already in 2 bullets on page 2 and in application. Should not require AERC to check on every permit.
<b>I</b>	#18 - I think "deer netting" should be defined so that there is a consistent type and color of netting used throughout the neighborhood. Secondly, I think it will also help the appearance of the neighborhood if some suggestions were made about how it should be used i.e. held upright by thin green poles rather than draped over plants. Finally, I would specifically mention the deer netting in Section IV as needing to be maintained and look neat.	1. Deer fencing is defined by County. 2. Guidelines are not an "how to" document. 3. What would be the metric for neat deer netting?
<b>I</b>	#12: Typo - "than" should be "that"	Fixed
<b>I</b>	#15: I'm not comfortable with the stipulation that yard decorations less than 2 ft. have to be available only in lawn and garden centers. Some owners have very nice and tasteful statues of religious figures which may not come from a lawn and garden center. There are probably other figures that don't come from a garden center that should not be objectionable.	They do not have to be from Garden Centers - # 15 says if they are, then application not required. Deleted Lawn/Garden Center comment but added "viewable from the street."
<b>I</b>	#16: I recall there being some type of restriction on mailboxes - "standard issue of conforming color" or some such. Any discussion of not allowing pink elephant mailboxes?	Endorsing 4x4 wooden posts pushes commonality but does not require it. AERC discussed but did not want standardized mailboxes.
<b>I/II</b>	# 8 and # 5: Some provision should be made for the likelihood that an exact color match may not be available if a home has not been painted for a number of years. Also, how will you determine if the color is the original color? For example, the color "forest green" from say Benjamin Moore may be sold from year to year but may be a subtly different color. [I find as I read on that this is a common reaction to most of the entries where there is a height restriction. Under 4 foot gazebos do not require an application? This is not a huge deal for me. But, a common approach and clarity is helpful.]	AERC recognizes that same color is not the same as exact color, and that slight variation is OK.
<b>II</b>	#8: Retaining Walls.....I had to read this twice to understand what was requiring a permit - since it is a double negative: You cannot install a retaining wall unless the wall is not greater than 2 feet. I infer that the opposite is true: You may install without permit a retaining wall that is 2 feet or less in height. If that is your intent, you could include a positive statement in the "Application not Required" portion. Then the "application required" description would provide a simple negative: any retaining walls, terracing or in-ground steps not within the exception above require an application.	Disagree - It is not a double negative but a compound sentence of positives. The 2 bullets are separate conditions. Condition one: If adjacent to the house and greater than 2 feet. Condition 2: if not adjacent to house and greater than 1 foot.
<b>II</b>	#9. Awnings. Should I conclude that awnings for the front of the house are OK? [I read further and see that front awnings are prohibited, perhaps a parenthetical at this point to avoid a reader asking my question]	No. Awnings are in 2 places - prohibited on the front of house and application required for the rear of the house. Added "sides" to application required.
<b>II</b>	#15. Yard decorations that are greater than 2 ft in height. Here is an example where you did include the reverse in the application not required section, but it is not an identically worded standard - you omit here the requirement that the decoration be found in a garden center.	Revised to parallel Section I. If greater than 2 ft (no matter where purchased) and viewable from the street, then application is required.
	I'm not comfortable with the stipulation that yard decorations less than 2 ft. have to be available only in lawn and garden centers. Some owners have very nice and tasteful statues of religious figures which may not come from a lawn and garden center. There are probably other figures that don't come from a garden center that should not be objectionable.	This only says that an application is NOT required if they come from a Garden Center. If it comes from another place then an application is required.
<b>II</b>	#18. Arbors, gazebos over 4 ft. Same comment on the inferred approval of gazebos under 4 feet in height - these do not require an application? If so, I think we should say so.	Deleted height as confusing. All arbors, trellises, gazebos and pergolas require an application.
<b>II</b>	#20. Decorative edging. Does not mirror #15 in the application not required section, although appears that it is meant to.	Changed "up to 6 inches" to "less than 6 inches"

<b>II</b>	#21+ #23. Play equipment. Same comment - if under the height restriction, then no application is required?	That is correct.
<b>II</b>	#24. Storm Doors - Is the AERC indicating that ONLY these three styles will be approved? Or, do you allow more flexibility, where the AERC would approve these styles and would consider similar styles designed for colonial houses, or the like. This seems to say these are it. I am not suggesting any change here - but raising a question.	No. 3 styles will be approved upon application - all other styles will be considered. To clarify, added the sentence "Other styles will be considered."
<b>III</b>	#1 - As you are probably aware there have been several chronic abusers of window air conditioners. In the last few years, fans (and A/C units) that fit behind the window screen have been developed. It may be helpful to allow those behind-the-screen units as they won't look bad and they will provide relief for the second floor.	Removed window fans
<b>III</b>	#3. Implies that a rear roof attic fan is permitted, but with an application or not? I would presume as much as an exterior change, but maybe rear roof attic fans should be listed as application required.	Rear roof fans are listed as #10 in Section I - application not required.
<b>III</b>	#5. I am not sure what an applique, permanent decoration, (and especially) a grill attached to a storm door is.	Decorative art work or a security barrier that makes the storm door stand out as a unique item.
<b>III</b>	This is a good list, but it is not all-inclusive. Need to clarify that there are other prohibited items, so include a statement of "among others" and a cite or quote from Declaration Art VIII, Section 1 and 7.	Identified the source
<b>III</b>	Doesn't the County prohibit car repair in the street and if so, shouldn't that be added?	Yes - and it was added to the list of County Code prohibitions.
<b>III</b>	#22 - I've checked the Montgomery County Code on the issues of trailers - here's what Part II; Section 31-16 says: Sec. 31-16. Parking over twenty-four hours prohibited. The parking of motor vehicles and trailers upon the highways, roads and streets in the county for a period longer than twenty-four (24) hours is hereby prohibited; except when not otherwise prohibited adjacent to property lines of owner's residence or business. (1978 .M.C., ch. 7, Â§ 2.) So from this, it seems permissible to park a trailer in front of your own property for more than 24 hours unless there is a no parking sign posted, or some other County restriction. Perhaps there is another part of the code that further limits parking that I've missed.	You are right - the double negative "except when not prohibited" does allow trailers in front of your house. #22 was deleted.
	Montgomery County Code parking items. Just stick to the prohibited items in our HOA covenants. Once you start putting in what Montgomery County prohibits on parking, the next time someone will say, why not put in other MC prohibitions, like environmental, etc, etc. In other words it's a slippery slope. Stick to our own knitting.	Intent was to provide homeowners with all the info on parking, but multiple community comments indicated that County Code items caused confusion. Committee decided to delete all County Code items and to put info into the HOA Newsletter as an article.
<b>III</b>	#18: I think the guidelines should either remove the statement on signs altogether, or amend the statement to include political signs per Montgomery County code (new parameters), despite the fact that the covenants forbid them.  #18: Something needs to be done re the signs issue--allowance for candidate signs during election time, signs contractors put up when doing work on your house-- roofing, siding, remodeling, etc. These should be considered temporary-- time limits could be placed on those situations-- like no longer than 3 weeks before elections and 1 week after. For the contractors-- during the project and for no more than 1 week after completion. There also is the question of signs indicating security systems-- they should be permitted. Lastly, signs with various holiday greetings should be permitted and come under the holiday decoration code. Like "Merry Christmas", "Happy Hanukkah", "Happy New Year", "Happy Halloween", etc.	Committee agreed to interpret Covenant restriction on signs as "permanent signs". Guidelines modified to reflect temporary signs are OK with temporary defined as less than 30 days. This now matches County Code which says any sign displayed greater than 30 days needs a permit.  This permits holiday and political signs but limits duration to 30 days.
<b>IV</b>	I would rather the document say more than just "here's a checklist" of maintenance items.	Changed to "The Association has sets these minimum standards"

<b>IV</b>	We need a plain statement such as: "The AERC considers the adequate and reasonable maintenance and repair of the exterior of households is an important aspect of the community's appearance. Keeping one's household exterior in good repair is necessary and appropriate for the architectural control and protection of the environment and the maintenance of the community's appearance. The AERC has determined that community standards include, but are not necessarily limited to, the following areas."	The current 2 sentences cover the same thought - no need for more words.
<b>IV</b>	That trash receptacles should not be in public view is a covenant prohibition. (Art 8.Sec 7e)	True - but adding that thought into Section IV doesn't lend more credence
<b>IV</b>	Section IV: for the point about "no bushes, vines or shrubs adjacent to the house that block windows or reach above the roof line", I want to point out that you did not mention trees so I assume that trees are excluded. Also if you've used the term shrub then from the definitions I've looked at, "bush" is redundant as it is defined as being a shrub.	It is redundant - deleted shrub.
<b>Resolu</b>	I am concerned about being a too casual here. There are no timeframes or obligations being imposed on the homeowner cited. That the "process" starts "informally" is a non sequitur to me. A "process" must have a formal beginning and end, else it might just pend forever. In this enforcement area, I would caution that the language be carefully drafted. The Guidelines could be viewed as overwriting the Declarations and our enforcement powers. A general description such as you have with an indication that dialogue and flexibility is the goal is OK. But, at the end of the day, there has to be a clear procedure. Under the Declarations, we cite a violation, they get 15 days to cure, and then we can enter the property and fix it, lien the property, and move forward. That we are unlikely to do so doesn't mean the AERC should abrogate the power to do so. For example, in the Declarations, there is a difference between approving applications and citing for violations. An application approval or denial can	Rewritten to limit the paragraph to AERC Guideline decisions only and to include timeframe of 30 days for an appeal of an AERC. Covenant violations are the purview of the Board.