

Walden Woods Standard Committee September Report

To: Walden Woods Conservancy
From: Cathy Miller
CC: Lynn Fitzgerald, Elite Property Management & Standards Committee
Date: 9/21/17

- 634 Thoreau Circle – Separate report attached which the SC would like this added on the agenda for the Conservancy as Old Business and the report entered in to record.
- 136 Pierce Blvd – The HO has again preformed work on the exterior of the home prior to filing an AAI. Therefore, the SC has declined the AAI and is recommending fines of \$175 as outlined in 31.2 (a) and (b). Also, the HO must remove the flower boxes.
- Rule change to be on the agenda for the Conservancy.
 - 30.9(g) Painting/Siding – Woodmoor properties seeking to change exterior clapboard paint color scheme must obtain AAI approval. Repainting with the same color scheme does not require AAI approval. Siding, other than painted wood clapboards, is not permitted in Woodmoor.
- AAls processed since last reporting period:
 - 2 On the Green – Approved
 - 141 Marble Faun - Approved
 - 3 Marble Faun - Approved
 - 13 Scarlet – Approved
 - 136 Pierce Blvd - Declined
- We have six inquiries out to Elite for investigation
 - 11 Aster
 - Village Council noted the roof patched with a different color shingle than the original shingles. SC has not received an AAI.
 - Debris pile in limited common area, gas can next to house, residence in need of power washing, rope hanging off back stairs.
 - 511 Hawthorn
 - Shrub growing through fence & blocking sprinkler.
 - Still pending.
 - 334 Mercer
 - When is the dumpster being removed?
 - HO has installed solar lights around their walkway without an AAI
- Next meeting is 10/19/17

* AAI Report - The Standards Committee will be providing a summary of the AAI activity worked on each reporting period. This is to ensure the Conservancy is aware of the requests we are receiving and that we are in sync with Elite. We will provide a brief summary along with the full report. We do not anticipate reviewing the report in detail each month but will be available to address any questions.

To: Walden Woods Conservancy & Elite Property Management
From: Cathy Miller, Chair, Standards Committee
CC: Walden Woods Standards Committee
Date: 9/22/17
Re: 634 Thoreau Circle

The Standards Committee, as requested, did review the additional documentation as well as the original documentation that was submitted regarding the rebuild, the original renderings for the planned rebuild against what was actually built. Based on the Declaration, Rules and Bylaws, we find the following to be out of compliance with the original AAI that was filed on 9/1/2016:

1. Cupola (garage) - shown on the sketch submitted with the AAI but not on the completed house.
2. Same sketch shows 3 windows on the front elevation - completed house has 2.
3. Window at the peak of the main house is shown on the sketch - there is no window on the completed house.
4. The trim on the peak of the main house does not conform to that show on the sketch.
5. The exterior color shown on the original AAI states it will be "greyish" or some other similar language. Final paint selection was never submitted to the SC for approval. This should have included the manufacturer of the paint, the color number, the color name along with the trim color including similar information.

Based on these findings, we find that the HO should be fined \$225.00 (please see below). As we have done with other properties and HOs in our community, we find that all points should be addressed and a new AAI should be submitted prior to any remedial work being done. However, since the property has been re-sold and the new owner was unaware of the original AAI and specifications, we feel fines will suffice and no remedial action will be required.

Additionally, the SC would like to address two relevant points on this property:

- Subsequent to the expiration of the six-month period allowed to commence rebuilding, several homeowners addressed the Board to ask when the demolition/rebuild would begin. (See Declaration Section 23.12 - Time to Rebuild) Each time, the Board or the homeowner or his representative stated that the rebuilding would commence very shortly even when the Board threatened to impose fines. Despite these repeated inquiries and threats by the Board, Elite failed to be persistent with the homeowner and the Board failed to take proper action to address this situation. Ultimately, fines were imposed for failure to comply with the Rules/Declaration but only after the insistence of several property owners. However, at appeal, the Board voted to waive the fines.
- Elite failed to do inspections to assure that the rebuild conformed to the approved AAI. By conducting timely inspections, inconsistencies could have been addressed immediately instead of having a property that does not conform to an AAI. At this point in time, the discrepancies cited above cannot be addressed as the HO which approved them has sold the residence and the Standards Committee now finds themselves "between a rock and a hard place" with limited options to pursue to ensure the consistent adherence to the Declaration, Bylaws and Rules.

APPENDIX: Referenced Sections from Walden Woods Documents

A. Rules - Subsection 31.2 – Schedule of Fines

Subsection 31.2 – Schedule of Fines. The Conservancy Board of Directors shall impose fines for violation of the Rules in amounts and for length of time it determines appropriate. The following table is not binding, but shall be used unless there are extenuating circumstances as determined by majority vote of the Conservancy Board:

(a) Failure to obtain AAI when required to do so:	\$100 per occurrence
(b) Beginning work before receiving AAI approval:	\$75 per occurrence
(c) Failure to complete required steps in AAI process:	\$50 per occurrence

B. Rules - Subsection 30.9 – (Woodmoor) Dwelling Maintenance/Improvements

Subsection 30.9 – Dwelling Maintenance/Improvements. AAI approval shall only be required on Woodmoor Properties for dwelling maintenance/improvements that are prominently visible from the street. This includes:

- (a) Driveways – any change to the surface beyond traditional asphalt
- (b) Roof repair/replacement
- (c) Shutters – adding or removing shutters
- (d) Window mullions (window crossbars) must be consistently maintained on all or none of the windows visible from the street and common areas throughout the property
- (e) Solar panels
- (f) Doors – screen doors and storm doors must be full view, with no crossbars
- (g) Painting/Siding – Woodmoor properties seeking to change color scheme or conversion from paint to siding (or vice versa) must obtain AAI approval. Repainting with the same color scheme does not require AAI approval.

C. Declaration - Section 10.4 - Architectural Restrictions

Section 10.4 - Architectural Restrictions.

- (a) It is the objective of these architectural restrictions to ensure that Walden Woods contains a variety of tastefully designed homes of high quality with attractive landscaping consistent with each site, the architectural style of each home shall be consistent with the project's New England traditional motif. It is recognized that some building sites may dictate one style rather than another. The "New England motif will be defined in terms of consistency with details of buildings built by the Declarant. Roof lines, trim, natural wood or brick siding, window shapes and types with functional mullions, porches, stoops, chimney styles, and the palette of colors used on the original buildings will be maintained. Accessory structures, such as fences, mailboxes, gates, garden, walk and drive lighting, sheds, and other structures, visible from the road will either be consistent with those elements built by the Declarant, or consistent with functionally equivalent structures found in 18th' century houses and farms, as certified by a landscape architect or architect skilled in Colonial reproduction design. All additions, alterations and improvements made by a Unit Owner will be made in accordance with Section 13.1.

A. Rules - Subsection 30.2 - Visible from Street

Subsection 30.2 - Additions, Alterations and Improvements. Additions, alterations (including demolition) or improvements that change the exterior appearance shall only require approval through the AAI process if such change is clearly visible from the street.