

# Great Falls Woods Homeowners Association, Inc.

## POLICY RESOLUTION NO. 2015-001

### Hardwood Tree Removal Procedures

**WHEREAS**, Article VII, Section 7.14 of the Bylaws of the Great Falls Homeowners Association, Inc., grants the Board of Directors of the Association the powers and duties necessary for the proper administration of the affairs of the Association, and

**WHEREAS**, Section 24(f) of the Declaration of Covenants, Conditions and Restrictions states that existing trees on Lots may not be removed by Lot Owners without permission of the Board of Directors, and

**WHEREAS**, Section 25(a) of the Declaration of Covenants, Conditions and Restrictions grants the Board of Directors the power to adopt, amend, and enforce compliance with any reasonable rules and regulations relative to the operation, use and occupancy of the Lots and the Common Area consistent with the provisions of the Declaration, and

**WHEREAS**, Section 25(a) of the Declaration of Covenants, Conditions and Restrictions states that any rules and regulations adopted or amended by a resolution duly approved by the Board of Directors in accordance with the By-Laws shall be binding upon all Owners and occupants of Lots, and

**WHEREAS**, Section 25(b) of the Declaration of Covenants, Conditions and Restrictions states that failure of an Owner to comply with any provision of the Declaration of the By-Laws or any rules and regulations adopted pursuant thereto shall entitle the Association or any aggrieved Owner to the remedies provided in the Declaration and in Section 55-513 of the Property Owners Association Act, and

**WHEREAS**, Section 55-513 of the Virginia Property Owners Association Act, grants the Association the power to assess charges against any member for any violation of the Declaration of Covenants, Conditions and Restrictions or Architectural Control Guidelines for which the member or his family member, tenants, guests, or other invitees are responsible for, and

**WHEREAS**, the Board values the neighborhood trees and foliage; believes they are a valuable community resource and they provide tangible and intangible benefits to the community; and believes the benefits of healthy neighborhood trees include air pollution mitigation, energy use reduction, increased property values, storm water management, wildlife habitat, water quality protection, educational opportunities, view screening and privacy, aesthetics, and a sense of security and well-being.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Directors hereby adopts the following Hardwood Tree Removal Policy:

#### A. TREE REMOVAL RESTRICTIONS

1. Lot Owners are not allowed to remove trees which have a base diameter of six (6) inches or more, i.e. six inch diameter base at ground level, without the prior, written approval of the Board of Directors.

2. Acceptable reasons for requesting approval for tree removal are:
  - a. Dead tree - no leaves during active growing period
  - b. Diseased or dying tree (arborist written report required)
  - c. Safety hazard posed by tree to either the homeowner's property or a neighbor's property (arborist written report required)
  - d. Safety hazard posed by tree to individuals or vehicles passing on the street adjacent to the homeowner's property (arborist written report required)
  - e. Tree (branches or roots) is encroaching on, and threatens to damage, the dwelling (arborist written report required)
  - f. Removal of a tree as part of construction on the property. Approval of this construction and the associated tree removal must be requested and approved in writing by the Board of Directors prior to construction and/or tree removal

**B. TREE REMOVAL PROCEDURES**

1. Any Lot Owner who wishes to consider removing a tree for items listed above (2.b, 2.c, 2.d, and 2.e) must first obtain a written report from an arborist. The contact information for the HOA arborist is available through the Management Company.
2. If the arborist indicates removal of the tree is the best course of action, the homeowner will be reimbursed by the HOA for the cost of the arborist's report.
3. Removal of any tree larger than six (6) inches in diameter at the base requires the submission of a Request for Exterior Modification to the Management Company – clearly identifying the location of trees to be removed. If an arborist's opinion is required this must accompany the request.
4. No removal may commence until written approval has been received. If the removal is considered to be an emergency, notify the Management Company and an expedited process will be initiated.

**C. REPLACEMENT OF TREE(S)**

1. Recommended replacement trees are maples such as October Blaze, Red Sunset, Autumn Blaze, or an oak such as a Scarlet or Pin Oak. Each removed tree must be replaced with a tree with a minimum height of 18 feet and diameter of 2.5 inches.
2. Trees selected require prior approved Exterior Modification Application.

**D. VIOLATIONS AND ENFORCEMENT**

1. The Managing Agent shall conduct routine periodic inspections throughout the community and record violations and/or confirm reports of violations from other residents. Names of complaining residents are not routinely revealed, but shall be part of the official records that may be examined in accordance with the Virginia Property Owners Association Act.
2. All notification of violations, including the charges or other sanctions that may be imposed, will be mailed via first class mail, certified with return receipt requested, to the Owner at the address of record with the Association.

3. If a hearing is requested by the Owner, a notice of said hearing, including the charges or other sanctions that may be imposed, shall be mailed by certified mail, return receipt requested, to the Owner at the address of record with the Association at least fourteen (14) days prior to the scheduled hearing.

4. At the hearing, the Owner or his counsel shall be permitted five (5) minutes to address the Board. Thereafter, the Board may ask questions and then the Owner will be given one (1) minute to summarize.

5. The Board will meet in Executive Session to reach a decision and said decision will be mailed to the Owner, certified mail, return receipt requested, within seven (7) days of the hearing. The decision of the Board is final. The only party empowered to change or modify any Board decision is the Board themselves.

**E. ENFORCEMENT**

In accordance with Association documents and applicable Virginia law, enforcement actions that the Board may take if there is no satisfactory resolution include one or more of the following:

1. Issuance of sanctions not to exceed Fifty dollars (\$50) for a single offense or Ten dollars (\$10) per day for an offense of a continuing nature, not to exceed Nine Hundred dollars (\$900). Sanction shall be considered an assessment against the Member's Lot.

2. Forward the issue to the Association's Legal Counsel for appropriate action.

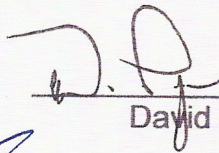
**F. EFFECTIVE DATE**

This resolution was adopted and approved by the Board of Directors at a duly convened meeting of the Board of Directors, at which a quorum was present on this 8<sup>th</sup> day of January 2015.

The policies and procedures set forth in this Resolution shall apply immediately after the date of adoption hereof.

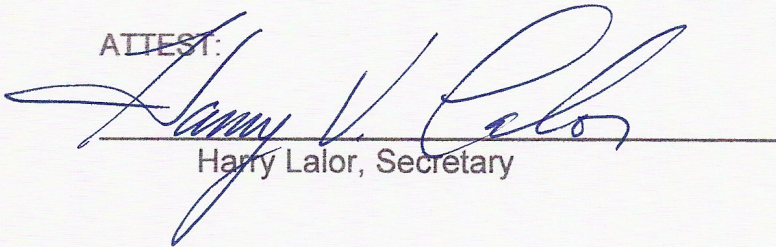
**GREAT FALLS WOODS HOMEOWNERS ASSOCIATION**

BY:



David Pope, President

ATTEST:

  
Harry Lalor, Secretary

**CERTIFICATE OF MAILING**

I, Nancy Stephens Carter, Managing Agent for the **Great Falls Woods Homeowners Association**, hereby certify that a copy of the foregoing Administrative Resolution No. **2014-001**, was mailed, postage prepaid, to all Owners of record on the \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
Managing Agent

GREAT FALLS WOODS HOMEOWNERS ASSOCIATION, INC.  
RESOLUTION ACTION RECORD

No. <sup>DP</sup>  
2015-001

Pertaining to: Hardwood Tree Removal Procedures

Duly adopted at a meeting of the Board of Directors held 8 January 2015

Motion by: Harry Lalor Seconded by: David Pope

VOTE:

	YES	NO	ABSTAIN	ABSENT
<u>DA</u> David Pope, President	<u>X</u>	—	—	—
<u>Harry V. Lalor</u> Harry Lalor, Secretary	<u>X</u>	—	—	—
<u>Walt</u> Walter Kim, Treasurer	<u>X</u>	—	—	—

ATTEST:

Harry V. Lalor  
Secretary

January 13, 2015  
Date

File:  
Book of Minutes:  
Book of Resolutions:  
Resolution effective: January, 2015.