

George Mason Forest Home Owner's Association
Policy Document GMFHOA 2007-01-02
Policy for Maintenance of GMFHOA Community Property

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Since this policy can be initially confusing, the following table of contents is provided to help readers comprehend the scope and context of the whole and the parts of this document.

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- 1. Purpose –** To state the policies adopted by the George Mason Forest Home Owners Association (GMFHOA) Board of Directors (BOD) regarding the maintenance of landscaped property, structures/facilities, natural areas and other properties owned by the Association and residents within the bounds of the George Mason Forest (GMF) community.
 - 2. Definitions -** For purposes of this document, the following definitions will apply. These definitions are not intended to supersede or conflict with definitions of like

terms in the GMFHOA Declaration of Covenants, Conditions and Restrictions (DCCR) or ByLaws. Unless otherwise defined, the other words, terms and phrases used herein shall have the same meanings as defined in the GMFHOA Declaration of Covenants, Conditions and Restrictions.

- 2.1. Resource Protected Area (RPA): That land designated as a resource sensitive area by the 2003 amendment to the Chesapeake Bay Act and under protective restrictions by applicable regulation. Parts of the RPA coincide with parts of the common areas. Parts of the RPA extend onto low-lying resident lots. Within the GMF community, the RPA encompasses three categories of land -- 1) the natural area owned by the GMFHOA adjacent to the two small perennial streams; and 2) the affected portions of home lots owned by individual residents and 3) the three trailheads (one on Gilbertson, two on Tapestry). See the first attachment for a map showing the extent of the RPA.
- 2.2. Common Area: That land (including the improvements thereto) owned by the Association for the common use and enjoyment of the Members of the Association, as referred to in the GMFHOA DCCR. Common area also includes conservation areas, water management areas, etc. Common areas are delineated in the deeds and plats of the community. Parts of the common areas coincide with parts of the RPA. See the second attachment for a map showing location of the common areas.
- 2.3. Natural areas: Undeveloped wooded and open land that is part of the "common area" and/or part of the RPA. This land is primarily comprised of wooded areas.
- 2.4. Tree-Save areas: Areas specifically designated in recorded Deeds and Plats as "tree-save and conservation easement" area. Per the Deeds and Plats for Amanda Place and Braddock Manor 1 and 2, these areas include 30 to 55 feet of the western-most part of Amanda Place lots 14 through 18. They also include parts of the western-most lots of Braddock Manor 1 and 2.
- 2.5. Landscaped area: Land maintained by GMFHOA which contains lawn, flower beds, shrubs or other items for the purpose of maintaining property value and the beautification of the GMF community. Parts of the common area and parts of the RPA are maintained landscape.
- 2.6. Storm Water Management and Storm Drainage areas: Easements specifically identified in the community deeds and plats for such use. These areas are part of the "common area" and some are part of the RPA.
- 2.7. Structures/Facilities: The brick and concrete entry signs and lighting at the Red Spruce Road and Tapestry Drive entrances to the GMF community; the fences along the trailhead on Gilbertson, and along the emergency egress/access that extends Gilbertson into Glenmere; the bridges and trail contained in the natural

area; and the surfaced walkways at the trailhead on Gilbertson and the two trailheads on Tapestry.

2.8. Government, utility and service installations: Those structures, signs or other items installed in GMF that are maintained and owned by Federal, State or Local government agencies or private utility and service providers.

3. Applicable References –

- 3.1. GMFHOA Declaration of Covenants, Conditions and Restrictions (DCCR) of George Mason Forest Homeowners Association, 2013, Article IX and X.
- 3.2. GMFHOA By-Laws, 2013, Article VII
- 3.3. Current GMFHOA Architectural Control Committee (ACC) Guidelines, 2013
- 3.4. Chesapeake Bay Protective Act (RPA) (1988)
- 3.5. Fairfax County Chesapeake Bay Protective Ordinance (1995), amended 2003
- 3.6. Metropolitan Washington Council of Governments Map showing 100 year flood plain available on line at
http://www.mwcog.org/clrp/elements/PDFs/web_floodplains_tab.pdf
- 3.7. Chesapeake Bay Resource Protected Areas : Maps for GMF (68-2 and 69-1) available on line at <http://www.fairfaxcounty.gov/maps/map.htm>
- 3.8. Fancher vs. Fagella Virginia Supreme Court Decision Sept 14, 2007
- 3.9. GMFHOA Website, www.gmfhoa.org

4. Policy –

- 4.1. The GMFHOA will develop and implement policies and procedures in compliance with Federal, State and/or Local regulation and the GMFHOA DCCR. Available documentation pertaining to these regulations will be maintained in the GMFHOA files.
- 4.2. The GMFHOA Board of Directors (BOD) will notify residents suspected of any violation to applicable regulation and take appropriate action to remediate such violations. The GMFHOA BOD may report such violations to government authority if appropriate corrective action is not taken.
- 4.3. The GMFHOA BOD will exercise its grant of easement to repair, maintain and care for landscaped property and structures/facilities or natural areas for which GMFHOA has responsibility.
 - 4.3.1 To perform these and other tasks, the services and equipment of qualified professionals, individual volunteers and/or organizations will be authorized as the GMFHOA BOD deems appropriate.

- 4.3.2 Care will be taken to ensure that government or privately owned installations and public utilities are not damaged, removed or modified in any manner.
 - 4.3.3 Any activity requiring a permit or pre-approval from the County, State or Federal Government will not be initiated without first obtaining and filing of appropriate documentation.
- 4.4 Homeowners do not have the right to plant trees, flowers or other vegetation on GMFHOA owned land (common area) without express written permission from the GMFHOA BOD. Homeowners do not have the right to add or modify landscaping, structures or walks on the common land in order to extend the appearance of their property boundaries. Homeowners may not mow, or apply fertilizer or herbicide to, RPA or common areas.

5. Landscaped Areas

- 5.1 The GMFHOA will, as determined by the BOD, mow grass areas, edge common land walks, provide weed control and feeding for landscaped and grass areas, maintain, prune, trim, replace plantings such as bushes or ornamental plants located at the three entrance landscaped areas and at the landscaped area on Red Spruce Road. Fertilizer and herbicide will not be used on RPA and common areas.
- 5.2 The GMFHOA will, as determined by the BOD, conduct a periodic assessment to determine the health of the trees and shrubs in the landscaped common areas and evaluate whether any corrective action is needed.
- 5.3 The GMFHOA BOD will consider and approve/disapprove recommendations concerning the RPA, natural and the maintained landscaped areas. Prior to approving RPA recommendations, the GMFHOA must obtain approval(s) from the County, State, and/or Federal Governments.
- 5.4 The GMFHOA BOD will assess whether a grounds issue identified by an owner/resident requires GMFHOA action.
- 5.5 The GMFHOA BOD will direct, oversee and budget for maintenance of the grounds.
- 5.6 The GMFHOA BOD will review, approve, and maintain contracts for grounds maintenance service providers

6. Natural Wooded Areas

- 6.1 The GMFHOA will, as determined by the BOD, maintain the three trailheads, walking trails and bridges in the natural common land to allow easy access into and through the area for recreational use by residents and their guests. In the

event of damage to these facilities, the GMFHOA BOD will review costs and other considerations in deciding the best course of action.

- 6.2 Dumping yard debris in the common land **is prohibited by law** and the DCCR, and violators are subject to legal prosecution.
- 6.3 A periodic assessment will be done to determine the health of the trees and shrubs in the natural and landscaped common areas. The BOD will determine whether any corrective action is needed.

7. Trees in the Common Area land in the RPA

See the third attachment for a map showing which common area is in the RPA.

- 7.1 Trees in naturally wooded areas of the common area in the RPA determined by the GMFHOA BOD as unlikely to cause safety issue will be permitted to fall and naturally decay.
- 7.2 The GMFHOA will trim or cut down trees in the common area of the RPA that the GMFHOA BOD determines to be a public danger or threat to private property.
- 7.3 Any trees that fall or are cut down in the common area of the RPA will not be removed from the RPA but left to naturally decay.
- 7.4 GMFHOA property owners may not trim, cut or remove trees within the RPA common areas. Property owners are to inform the GMFHOA BOD in writing of any tree in the RPA common area that appears to be a public hazard or to endanger homeowner property.
- 7.5 A property owner may request in writing the trimming or removal of trees on GMFHOA common areas that extend over resident property lines or are believed to otherwise threaten the resident property (use GMFHOA Form 2007-01-02-01). Unless the tree poses danger to persons or property, the GMFHOA BOD, after their inspection, will grant the homeowner permission in writing to trim or remove the tree, as appropriate. This trimming or removal will be done at homeowner's cost and trimming must not compromise the health of the tree.
 - 7.5.1. In granting permission to a homeowner, the GMFHOA BOD is released of liability for any injuries or damages incurred from the subsequent actions of the homeowner. The homeowner must provide a written release from liability that will be filed in the HOA records.
 - 7.5.2. Authorized trimming or removal of a tree on GMFHOA common areas by the owner must utilize a licensed tree removal company.

- 7.5.3. In addition, a homeowner must follow RPA restrictions and the GMFHOA BOD must have first obtained applicable Government permits to remove the trees if it is within the RPA zone.
- 7.5.4. Homeowners removing a tree may also be required by existing County, State, or Federal Government regulations to replace a tree with a healthy native tree. This replacement will be at the homeowner's cost.
- 7.5.5. In the case of a common land tree in the RPA not requested for cutting that falls on homeowner property due to an act of nature, the homeowner will be responsible for removal of that portion of the tree on their property at their own expense. Any related damage to homeowner property is the responsibility of the homeowner and their insurance.
- 7.5.6. In evaluating a request affecting any tree within the RPA, the BOD must consider all regulations and requirements governing the RPA. To meet that burden, the BOD may require the homeowner to present an evaluation of the tree by a certified arborist.

8. Trees in the Common Area land not in the RPA.

See the third attachment for a map showing which common area is not in the RPA.

- 8.1 Trees in the natural wooded common areas determined by the GMFHOA BOD as unlikely to cause safety issue will be permitted to fall and naturally decay.
- 8.2 The GMFHOA will trim or cut down trees in the common areas that the GMFHOA BOD determines to be a public danger or threat to private property.
- 8.3 Any trees that fall or are cut down in the wooded common area will not be removed but left to naturally decay.
- 8.4 GMFHOA property owners may not trim, cut or remove trees within the common areas. Property owners are to inform the GMFHOA BOD in writing of any tree in the common area that appears to need immediate attention.
- 8.5 A property owner may request in writing the trimming or removal of trees on GMFHOA property that extend over resident property lines or are believed to otherwise threaten the resident property (use GMFHOA Form 2007-01-02-01). Unless the tree poses danger to persons or property, the GMFHOA BOD, after an inspection, will grant the homeowner permission in writing to trim or remove the tree, as appropriate. This trimming or removal will be done at homeowner's cost and trimming must not compromise the health of the tree.
 - 8.5.1 In granting permission to a homeowner, the GMFHOA BOD is released of liability for any injuries or damages incurred from the subsequent actions

- of the homeowner. The homeowner must provide a written release from liability that will be filed in the HOA records.
- 8.5.2. In the case of a common land tree not requested for cutting that falls on homeowner property due to an act of nature, the homeowner will be responsible for removal of that portion of the tree on their property at their own expense. Any related damage to homeowner property is the responsibility of the homeowner and their insurance.
- 8.5.3. Removal of a tree on GMFHOA common areas must utilize a licensed tree removal company.

9. Tree-Save Areas

No use shall be made nor any improvement made to the tree-save and conservation areas without specific approval of the GMFHOA BOD and of County Environmental Management Department Director. Among the restrictions are that no buildings, fences, or other structures may be constructed in these easements. Also, no tree cutting, brush removal, or other denuding of these areas may occur. Large parts of these areas extend onto the private property of some lot owners and restrict the use of parts of their land. See the Deeds and Plats for Amanda Place and Braddock Manor for more details if needed.

10. Structures

- 10.1 The GMFHOA will, as determined by the BOD, maintain the two brick and concrete entrance signs at Red Spruce Road and the one brick and concrete entrance sign at Tapestry Drive.
- 10.2 The GMFHOA will, as determined by the BOD, maintain, replace, and repair the entrance lighting at the three entrance signs.
- 10.3 The GMFHOA will, as determined by the BOD, maintain, replace, and repair the wood fencing along the trailhead on Gilbertson, and along the emergency egress/access that extends Gilbertson into Glenmere;; the bridges and trail contained in the natural area; and the surfaced walkways at the trailhead on Gilbertson, and the two trailheads on Tapestry.
- 10.4 The GMFHOA will, as determined by the BOD and regulations of Fairfax County Code and the Chesapeake Bay Act, maintain, replace, and repair the three wood bridges located in the natural wooded RPA areas.

11. Storm Water Management Areas and Storm Drainage Areas

The GMFHOA will, as determined by the BOD and Fairfax County Code, maintain the areas surrounding the three storm water retention dry-ponds. This maintenance will include regular mowing of appropriate areas to a height as best succeeds in accomplishing a strong and dense turf, pleasing in appearance and well functioning for water retention. Mowing will not be allowed to damage embankments. Seeding of the areas will be done by GMFHOA as needed during the beginning of the growing season. Lime may be applied by GMFHOA any time from March through November. Per RPA rules, no fertilizer or herbicide may be used in any of the areas. Earthen dams and areas within ten feet of the dam's upstream and downstream toes are to be kept free of trees, shrubs, ornamental plantings and scrub brush. The County encourages HOAs to allow vegetation to grow on pond floors as an additional pollutant filter. Actual dams and berms, storm drainage management concrete, metal and rock facilities will be inspected by the County once per year and maintained by the County in such a manner as required by law. The County does not remove trash from ponds.

12. Administration – This policy is established in accordance with Section 1.f of Article VII of the GMFHOA By-Laws.

12.1 GMFHOA BOD shall:

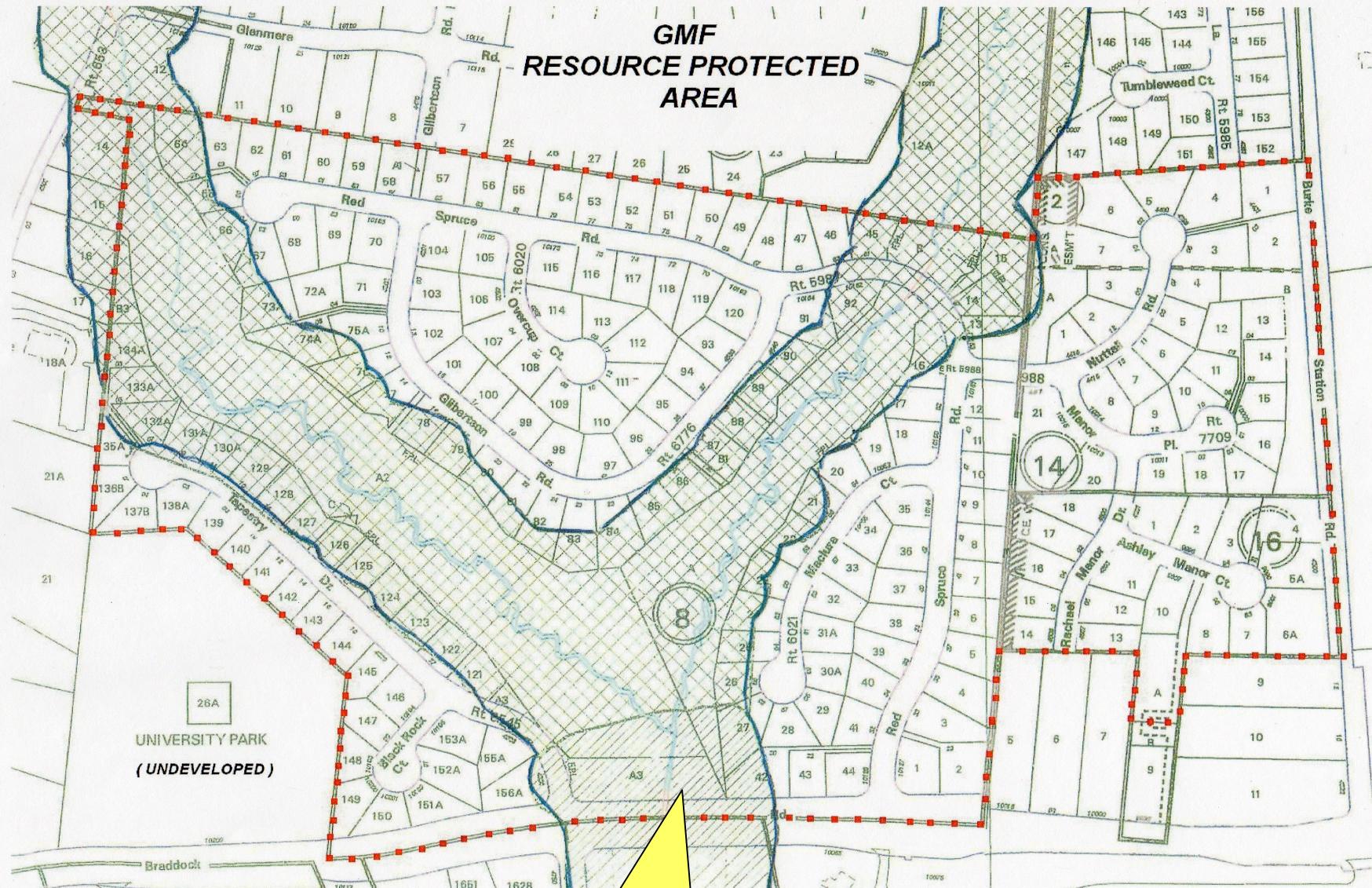
- 12.1.1 Follow this policy and revise it whenever necessary, particularly when necessitated by legislative changes to the Virginia Code that take effect on July 1st. Pending legislative changes should be studied in May so that any required revision(s) to this procedure can be drafted and approved by July 1st. This policy is established in accordance with the GMF By-Laws, Article VII, Section 1.f.
 - 12.1.2 Ensure compliance with provisions of the RPA when removing and replacing trees in GMFHOA RPA common areas.
- 12.2 GMFHOA BOD President (or Vice President) designate qualified person(s) who shall:
- 12.2.1 Conduct a regular assessment of the GMF structures/facilities in the natural and landscaped land in the RPA and non-RPA common areas and report on their condition with recommendations to the GMFHOA BOD.
 - 12.2.2 Hear and assess recommendations/complaints of residents regarding the care of GMFHOA maintained areas
 - 12.2.3 Make recommendations to the GMFHOA BOD regarding lawn care, trees and shrubs in the GMFHOA RPA and non-RPA maintained areas.

- 12.2.4 Supervise lawn care, maintenance of structures/facilities, tree and shrub removal and replacement in the GMFHOA RPA and non-RPA maintained areas
- 12.2.5 Conduct tree removal and replacement in the GMFHOA RPA and non-RPA common areas in accordance with this policy.
- 12.2.6 Recommend grounds maintenance policy changes to the GMFHOA BOD.
- 12.2.7 Supervise grounds maintenance related contracts and forward any related bids to the GMFHOA BOD.

Attachments:

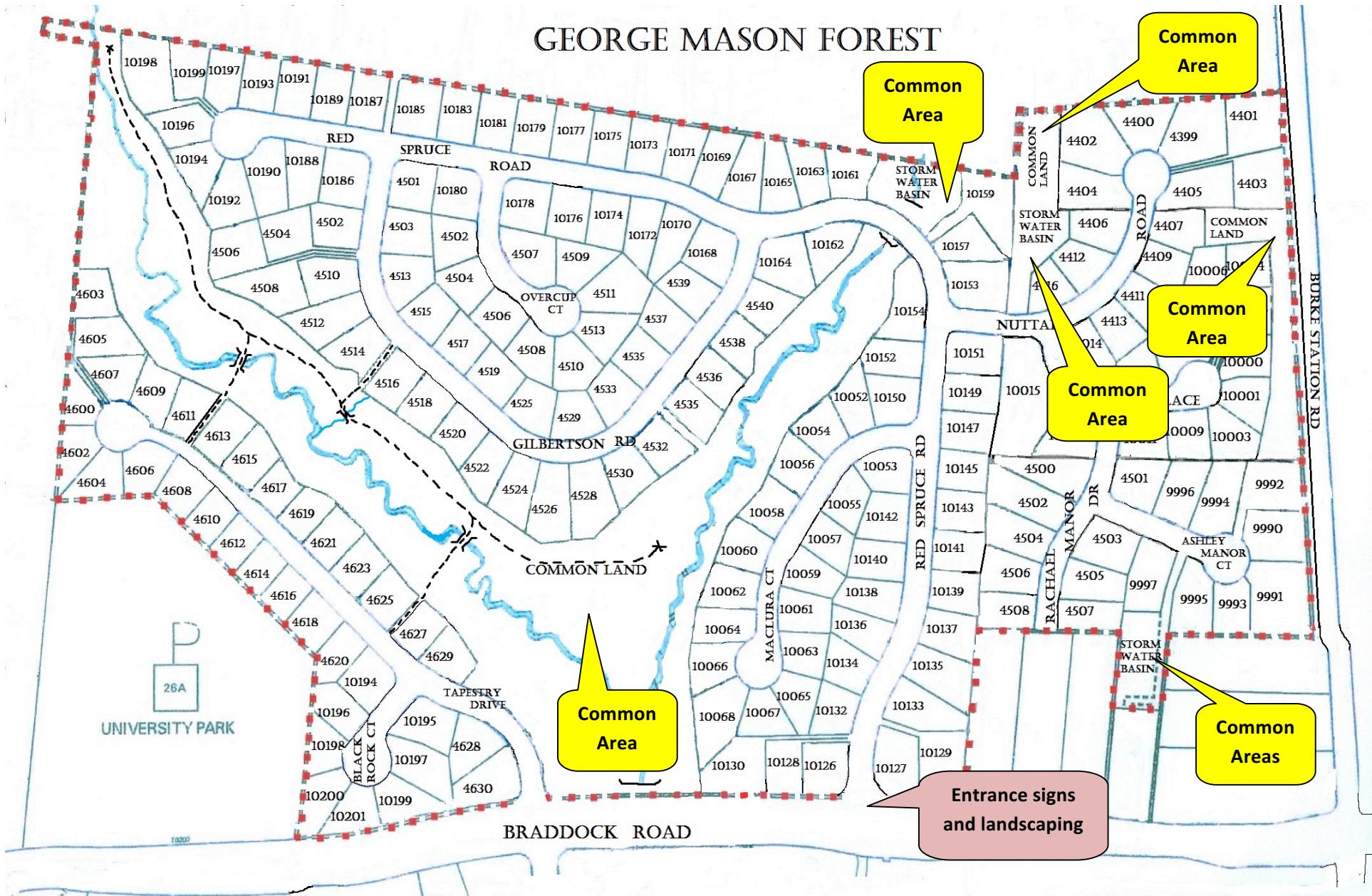
1. Map showing GMF Resource Protected Areas
2. Map showing Common Areas
3. Map showing which Common Areas are, and are not, in the RPA

**GMF
RESOURCE PROTECTED
AREA**



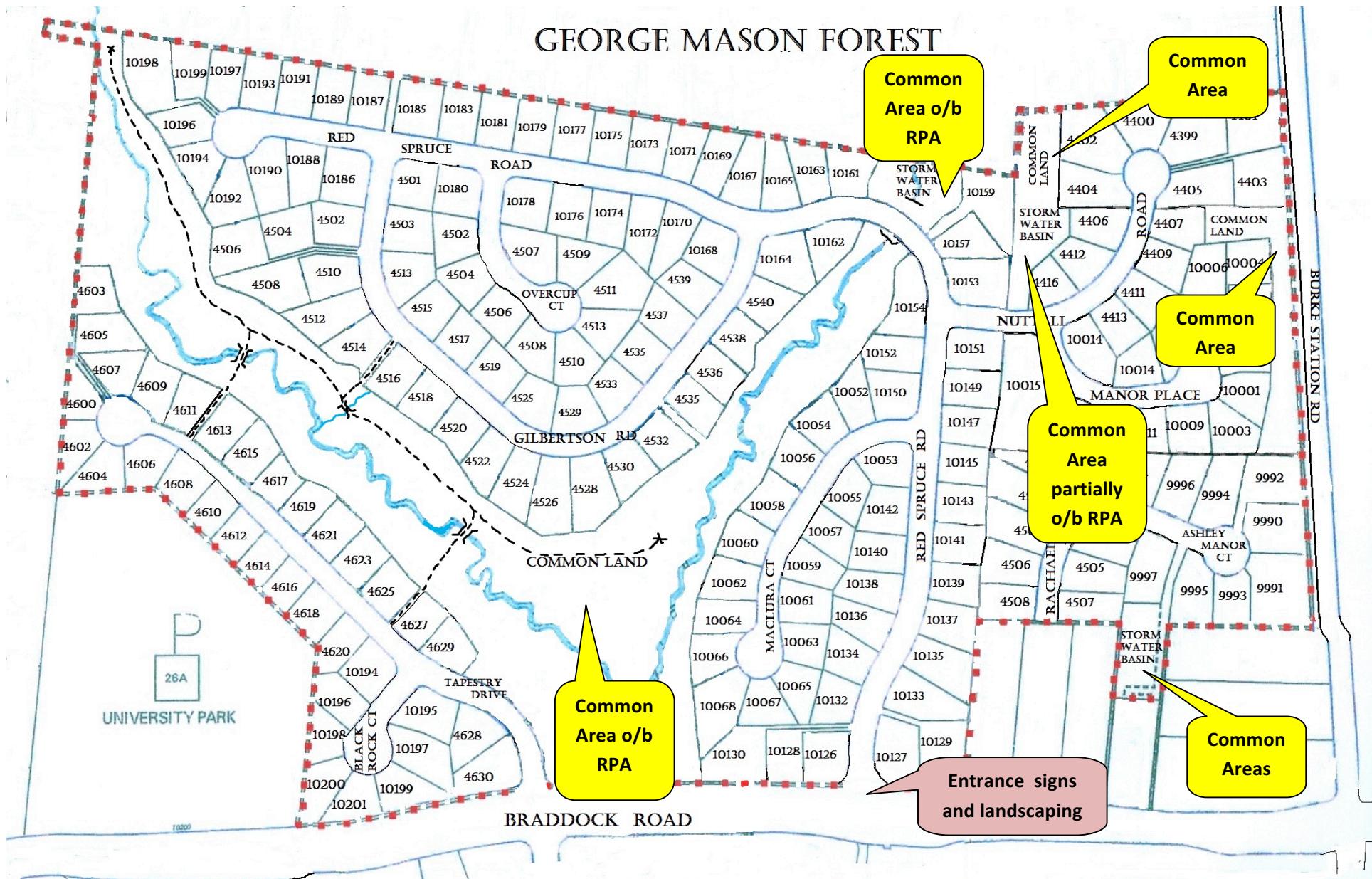
RPA shown by green cross-hatching

GEORGE MASON FOREST



GMF COMMON AREAS

GEORGE MASON FOREST



GMF COMMON AREA Land in, partially in, and not in, the RPA

Key: o/b = “overlapped by” (indicates which Common Area land is in, partially in, or not in the RPA)