

*Newington Community Association
Tree and Shrub Maintenance Policy*

PURPOSE

The purpose of this policy is to establish a fair and reasonable procedure for determining which trees and shrubs in the common area will receive maintenance. An additional purpose of this policy is to establish who may authorize that maintenance and under which conditions.

AUTHORITY

In accordance with Article VIII, Section 1, paragraphs (a) and (b) of the By-Laws, the Board of Directors is empowered to "adopt and publish rules and regulations governing the use of the common area and facilities" and "exercise for the Association all powers, duties and authority vested in or delegated to this Association and not reserved to the membership by other provisions of these By-Laws, the Articles of Incorporation, or the Declaration". Under this authority, the Board of Directors has established the following rules for maintenance of trees and shrubs in the common area.

AUTHORITY AND RESPONSIBILITY OF THE COMMUNITY MANAGER AND MAINTENANCE LIASON

1. Either the Community Manager or the Maintenance Committee Liason may authorize maintenance under the following conditions:

- Common grounds shrubs are overgrown and/or block sidewalk, steps, mailboxes, signs, parking spaces, etc.
- Common grounds trees are dead (as certified in writing by a qualified professional contractor) and are easily visible in general common areas (not in woods)
- Limbs are down on common ground or a common grounds tree is uprooted due to severe weather or other event.
- Total cost is a sum equivalent to 2.5 town home quarterly dues payments or less.

2. The Maintenance Committee Liaison may authorize maintenance under the following conditions:

A common grounds tree has dead branches that are damaging, or are likely to damage, community property or private property, e.g. automobiles and homes.

A common grounds tree is healthy but is causing, or is likely to cause, serious damage to community property (i.e. sidewalks, curbs, paths, etc.) or private property.

A qualified professional contractor confirms the above conditions in a written proposal.

Total estimated cost is equivalent to 3 town home quarterly dues payments or less.

3. In those cases not meeting either of the above specifications, a majority vote of the Board will be required to authorize maintenance. In such cases, the Community Manager will work with the Maintenance Committee Liaison to obtain and submit a professional contractor's proposal to the

Board for approval. This restriction specifically applies to, but is not limited to, cases that meet the following conditions:

- Request(s) to remove a healthy tree
- Request(s) to remove a dead tree in wooded areas
- The estimated cost exceeds a sum equivalent to 3 town home quarterly dues payments.

HOMEOWNER RIGHTS AND RESPONSIBILITIES

1. Homeowners are not authorized to perform any form of maintenance on any part of any tree or shrub rooted in common ground *except* on those parts of said plants that may extend over their private property line. For example:

- Homeowners have the legal right to prune branches from a tree rooted in common ground where those branches extend over their property line.
- Homeowners have the legal right to grind roots from a tree rooted in common ground where those roots extend over their property line.

2. Homeowners may request that NCA prune a common grounds tree, at NCA expense, if branches from that tree are actually touching their home.

3. Homeowners may formally petition the Board in writing with regard to any tree/shrub maintenance. Such petition must include the location of the affected trees/shrubs, the work to be done, the reason for doing the work, and a full-length high-resolution digitally-presented photograph of the affected trees/shrubs. Unless the same, or substantially the same, project has previously been rejected by a Board vote within the past three years, the Community Manager will obtain an estimate from a qualified professional and present the project to the Board for a vote. The homeowner shall have the right to request to address the Board in open meeting and make a case (of no more than five minutes) for this project prior to the vote.

4. Owners may request in writing that the Board remove (or prune) trees or shrubs at the expense of the owner. The request must include a photograph of the affected trees/shrubs, a statement of the proposed action, and a signed statement accepting all liability for any damages which might result from this proposed action. The request must also include a statement signed by neighbors within 50 yards acknowledging their understanding of and consent to the proposed action. Once all of these conditions are met, the full Board will vote on the request. If a vote by the full Board approves the request, the Community Manager will transfer the request to one of the Association's normal contractors with instructions that the petitioning owner is to be billed directly and that all work must be done in accordance with standard Association practice.