

Hello Neighbors!

Need to make everybody aware of a dilemma the board is dealing with and looking to the neighborhood to be aware and understanding. As of late we are receiving ARC requests from multiple neighbors wanting to do landscaping in common areas. "Common Areas" meaning areas outside of each homeowner's personal property boundaries (outside the area between the homeowner sidewalk and their home or outside the front or back courtyard), and maintained by our contracted landscaping/maintenance service (currently Messengers). Requests received so far include: plantings of various shrubs & plants, installations of decorative landscaping walls, adding fill dirt & mulch around trees & various areas, etc. The board is currently evaluating these requests.

The Stoneybrook CCRs (excerpt below) partially cover this topic however leave many concerns unaddressed.

If homeowners are granted permission to perform landscaping in common areas, the homeowner must agree to the following:

- Homeowner will be responsible for watering & maintaining the health of the plantings as well as maintaining any decorative walls/structures.
- Homeowner will be responsible for any damages to irrigation systems caused by digging.
- Homeowner will sign an agreement with the HOA agreeing to the above.

Questions & Concerns:

- If said homeowner sells their house, how will the agreement be conveyed to new owner?
- What are the guidelines as to what is "tasteful" and in-keeping with the other common areas in the community? How should the HOA board decide on which requests to approve and which to deny without hurting somebody's feelings? As they say, beauty is in the eye of the beholder.
- Please note that there is nothing objectionable about the recently submitted requests. The concern is what kind of precedent will we be setting? Will we end up with a hodgepodge of differing landscaping designs in common areas? Who will "police" these projects and ensure that homeowners are keeping up with agreed maintenance?
- After a landscaping project is completed in a common area, what happens if another neighbor decides that they don't agree with what was planted or erected in that spot?
- Piling fill dirt and/or mulch around the trunk of a tree can damage or kill the tree. Removal or replacement of the tree will ultimately be at the homeowner's expense.
- How will the contracted landscape company know what they are responsible for maintaining?

Currently there are many of these types of landscapings in common areas around the neighborhood – most of which we cannot find any record of an ARC form submitted and approved. Many of these have become unsightly due to lack of proper maintenance. Watch for additional communications on this issue.

Pride in ownership and the beautification of our community is certainly encouraged. At the same time we need to be careful about letting things get out of hand.

For those who submitted requests, thank you for your patience as we determine the best course of action.

Best regards,

Dennis

Any plantings installed by any Owner shall be the responsibility of that Owner and shall be maintained and watered by such Owner. Likewise, such plantings if they die or become unsightly shall be removed by the Owner and the Board of Directors of the Association reserves the right to direct removal of any dead or unsightly plantings. Such removal shall be at the expense of the Owner who planted same.