

Walden Guidelines for Architecturally Controlled Improvements

(May 2019 – Vers 3.0)

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I. Introduction:

Homeowners must get approval for all architecturally controlled improvements as listed in the Declaration for Walden (hereafter the “declaration”) before making any improvements. These guidelines are here for homeowners to see what sort of improvements fall into that category and need approval, how to go about such approval and to see how long to expect the process to take. Installing improvements that are covered in the declaration without approval shall subject the homeowner to the fines and such as listed in the Walden Schedule of Fines & Policy Resolutions.

Nothing in this document gives permission to avoid, disregard or not follow the Declaration for Walden and the Restrictive Covenants within it. This is merely a map of how to possibly navigate the different paths to getting improvement requests seen properly and approved/denied or modified.

Requests for approval go to the property management company, Esquire Association Management, who then checks the submission for completeness, if found complete the submission is distributed to the Neighborhood Appearance Control Committee (NACC) who checks to see if the submission is consistent with the standards and appearance of Walden. The NACC then forwards the request on to the Neighborhood Appearance Control Board (NACB) who then has the final decision in the matter. If at any time the request is deemed incomplete, it shall be returned to the homeowner and may be resubmitted. If the request is denied by the NACB the matter is considered final unless otherwise noted in the denial.

II. Restrictions:

Residents of the Association are hereby prohibited from storing and/or placing any materials on the roadways, parking areas and/or alleyways, including but not limited to construction related materials such as wood, stone, pallets and brick, landscape related materials such as soil, mulch, pavers, and sod, or any other similar material or equipment including but not limited to skid loaders, dump trucks, backhoes, and tractors.

The Architectural Review Form includes the above prohibitions as a condition for approval of any project.

Violations of these provisions will result in one or more of the following actions:

- a \$500 fine to the homeowner;
- b Removal of the prohibited items or materials from the roadways;
- c Architectural requests which purport to utilize the services of a contractor found to have previously violated the prohibitions contained herein may be denied until a new contractor or service provider is utilized.

III. List of Improvements covered:

These improvements include but are not limited to: (please refer to the Declaration if you are unsure)

*Construction of any improvement on any Unit within the Subject Property which such construction shall require a permit therefor from any governmental entity having jurisdiction thereof; and

*Any addition to any structure; and

*Construction or placement of any structure, improvement, fixture, device or item on a Unit attached to or appurtenant to the principal structure on the Unit including, but not limited to, any garage, carport, patio covering, greenhouse, pool house, shed, storage building, playhouse or play structure, solar panel, fireplace, grill, or other cooking or food preparation facility

(excepting such of which are portable and, when not in use, are stored within a structure), poles, wires, ropes, or other fixtures or appliances or portion thereof upon which laundry is hung or exposed, dog house, kennel or dog run, or any roofed, covered, or enclosed shelter of any manner or kind; and

*Any alteration, modification or change in or to any of the exterior components, fixtures, materials, color, and/or appearance of any building, fence, wall or other structure of any portion thereof (including without limitation, any painting or staining thereof) on a Unit; and

*Construction or placement on any Unit of any swimming pool, fountain, tub, pond, or other water or other liquid containment or display structure, fixture or device; and

*Installation of lighting fixtures, illuminating devices or illumination sources, including but not limited to lamppost lights, anywhere on a Unit excepting only such lighting fixtures, illuminating devices or illumination sources installed wholly within a building on a Unit; and

*Fencing, privacy wall or gate, together with landscaping adjacent or in proximity thereto on a Unit; and

*Any flower or vegetable garden maintained on any Unit in excess of three hundred (300) square feet in area; and

*Play equipment, whether or not affixed or secured to the ground, including but not limited to basketball hoops, swing sets, hockey nets, skateboard ramps, pools and fountains; and

*Erection and/or maintenance of any antenna or exposed electrical or electronic wires or lines on the outside of any structure, including without limiting the generality thereof, any television receiving antenna, satellite receiving antenna, radio receiving antenna or radio or television transmitting antenna; and

*Anything hung, painted, displayed, relocated or extended on or affixed or placed upon the outside surfaces of doors, the outside of the windows (or inside, if visible from the outside), the exterior walls, or roofs of any structure on a Unit or any part thereof.

In summation, if you are adding a fence, a patio, a deck, or any of the above changes, you need to get approval.

Exemptions and Examples

a. **Storm Doors:**

- i. Storm doors shall be exterior full view in clear, beveled or etched glass in white vinyl or white aluminum trim or black vinyl or black aluminum trim.
- ii. Pre-approval is WAIVED for exterior full view storm doors that match existing home colors.

b. **Storage facilities:**

- i. Storage facilities are not permitted

c. **Decks:**

- i. New deck construction must be constructed with low maintenance composite materials such as Royal Woods or Treks type material and maintain the architectural integrity of the dwelling.
- ii. If the deck is in excess of 3' high, the exposed underside may be covered using low maintenance materials such as PVC, Royal Wood or Treks type materials. Pressure treated materials are prohibited. Areas under the deck must be covered with weed matting and stones or mulch.

d. **Free Standing Structures:**

- i. Pergolas, Trellises and Arbors (Gazebos are prohibited)
 1. Pergolas
 - a. Free standing Pergolas (not in connection with a deck or patio) may be constructed in the rear yards of Single Family properties only.
 - b. Pergolas may be added to existing or planned decks or patios for both Single Family homes and Town homes.

- c. Pergolas must be either fiberglass painted white or low maintenance material such as PVC or Royal Wood.
- d. The structure cannot exceed 10'Length x 10'Width x 9'Height.
- e. In cases of a pre-existing deck/patio, restrictions will be based on the existing dimensions.

2. Trellises/Arbors

- a. Free standing Trellises/Arbors may be constructed in back yards.
- b. Trellises/Arbors may be constructed of wood, metal, PVC and may be pre-manufactured.
- c. Trellises for vegetation growth may be attached to dwelling structures only on Single Family homes.
 - i. Trellises for vegetation must either be of the same color as exterior shutters or black or white. ii.
 Unpainted trellises are not permitted.

e. **Fences and Gates:**

i. Single Family homes:

1. All fences shall be white in color and made of PVC.
2. The following styles are approved:
 - a. Privacy Chesterfield w/ Victorian Accent 6'h x 8'L sections (rear yard only).
 - b. Privacy Chesterfield 6'h x 8'L sections (rear yard only).
 - c. Manchester Scalloped 4'h x 8L sections.
 - d. Classic Manchester 3'h x 8'L sections.
 - e. Princeton with mid-rail 3'h x 8'L sections.
3. Front and side yard fences shall not exceed 36" (3ft) in height.
4. Fences in rear yards shall not exceed 72" (6ft) in height.
 - a. Rear yard is defined as "past the main living space of the home". This does not include the laundry room and garage in the case of Single-Family homes with attached garages.
5. Maintenance and appearance will be the responsibility of the owner.
6. Fences shall be constructed at least 6" within property lines except as follows:
 - a. Two neighbors agree to the construction of a fence on the joint property line.
 - b. A signed document by both parties shall be required as proof of the agreement.

c. Both neighbors shall be responsible for all maintenance and repairs as per the agreement.

7. Fences shall be no closer than 3' to an alley property line. ii. Town Homes

1. All fences shall be white and made of PVC. Gates of at least 4' width must be provided for to allow for access of landscaping equipment.

2. Fences in the front and side shall not exceed 36" (3ft) in height.

3. A courtyard privacy panel up 72" (6ft) in height may be placed on the property line only between the back of two existing, adjoining town homes.

f. **Ponds:**

i. Permissible pond size shall be determined based on the lot size and dimensions.

ii. Ponds in excess of 36" depth require fencing that is at least 48" in height.

g. **Hardscaping:**

i. Existing patios:

1. Homeowners may cover existing concrete patios with hardscape products.

2. Products must be similar to existing materials of the home. ii.

New patios:

1. Patio construction shall be in concrete, stamped concrete, composite landscape pavers, manufactures hardscape products (e.g. E.P. Henry) and or natural hardscape products (e.g. flagstone).

2. Loose gravel patios are prohibited.

iii. Swings and Gliders

1. Swing sets must be on level ground and constructed of Cedar or similar wood products and shall be either stained or natural, or pressure treated wood painted in glossy paint to match the color of the dwelling's shutters and/or front door.

2. All other materials must compliment the dwelling.

3. NACC review and board approval is required for all swings and gliders.

h. **Mulch**

i. Black mulch is the approved color for use in the Neighborhood

i. **Hedges**

i. Hedges in the front of properties shall be maintained at a height of **36 to 60 inches**, and be maintained per declaration (6.3.5.3) "*All plantings, trees and other landscaping on a Unit which are not Controlled Facilities shall be maintained by the Owner of the Unit in conformance with good nursery and landscape practice and any of such tree or shrub, which dies or is removed for any reason including disease, clearing or felling, shall be replaced by the Unit Owner*"; and in a manner that they do not present a nuisance to the community, or an obstruction to walkways or rights of way. In the instance of privet hedge that wraps around the property in continuity with the front of the property, the 60-inch maximum height pertains to the entire line of hedge.

ii. Any other hedges on properties that have been approved per declaration (6.3.10) "*No fence or hedges or mass groupings of shrubs, trees or other plantings which could be a visual barrier comparable to a fence shall be erected, installed, or maintained on any Unit unless and until such fence, hedge, or other plantings, together with the landscaping to be installed adjacent or in proximity thereto, shall have been approved as an Architecturally Controlled Improvement pursuant to the provisions of Section 6.2 of this Declaration*"; and shall be maintained in such a way that they present no nuisance to passersby, and in a manner as outlined above in declaration 6.3.5.3. Plantings placed in the alleyways within the 3-foot setback required for fences are at the risk of damage by plows and utility equipment and property owner assumes the risk of damage to these by such operations.

IV. How to Proceed:

- a. Fill out a submission form (see website)
- b. Submit the form to Esquire Association Management.
- c. Respond to any requests for more information/clarity etc.
- d. If approved, proceed with project after getting all other applicable permits.

V. Timeline:

- e. Submissions due to EAM by the 2nd Friday of the Month.
- f. Submission goes from EAM to the NACC by the 3rd Friday of the Month.
- g. Submission goes from NACC to the NACB no later than the 4th Friday of the Month.
- h. Homeowner is informed of decision no later than the following Monday.

VI. References:

- i Esquire Association Management – 951 Rohrestown Road, Suite 204, Lancaster, PA 17601. (717)824-3071.
- ii NACC – Amy Smith - Chair
- iii. NACB – Greg Hodecker – Chair.