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Architectural and Environmental Review Committee  
Policies & Procedures

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## AERC Policies and Procedures

### References

- a) Declaration of Covenants, Waters Landing Association, Article VII
- b) Architectural Guidelines – A Guide for Waters Landing Residents on the Planning and Design of Exterior Additions and Alterations, est. 1987
- c) Memorandum 11897711, AERC Powers and Authority, Whiteford, Taylor, & Preston L.L.P. to Waters Landing Association, August 2, 2021
- d) By-Laws of Waters Landing Association, Inc., Article V

### Background

The Architectural and Environmental Review Committee (AERC) is the only perpetually standing organization which is established by the founding documents of the Waters Landing Association which operates under the auspices of the Board of Directors. The Declaration of Covenants for the association specifically prescribes the functions and provisions of the AERC as documented in Ref (a), forgoing the need of a charter.

In accordance with Ref (a) Section 7, the AERC may “Adopt and promulgate rules and regulations... and may publish and record such statements of policy, standards, guidelines... or other matters relative to architectural review... as it may consider necessary or appropriate”. As such, an Architectural Guidelines document, Ref (b), was established to provide homeowners and the AERC design standards to serve as a guide as to what may be done to member properties in the community. These documents are not comprehensive, and the AERC needs to identify many of its operating procedures which will provide directions and standards for how to handle various situations that arise. Per Ref (a) Section 7, no policies or guidelines may be established in contradiction to the standards set by the governing documents.

### Description

These policies and procedures are implemented to supplement the directives invoked in Ref (a). These are established to provide clear direction to the AERC and homeowners as to how activities pertaining to the committee shall operate. This set of policies and procedures identifies any content not already addressed in the governing documents or adds more detail to them. As it may not be completely comprehensive, updates will be made to include common functions and issues that arise in order to establish order for any future proceedings.

### Responsibilities

Per Ref (a), section 2, the AERC is made up of between 3 and 11 members designated by the board of directors. Each member’s term shall last 3 years. A majority vote of the committee is required to adopt or promulgate any rules or regulations. Accordingly, the committee members must elect officers for the administration and conducting of business for the committee. The powers and duties of the members of the AERC and assistants to the AERC shall include but shall not be limited to, the following:

- A. Committee Chair
  - a. Directing all activities with regard to the residents’ architectural application process
  - b. Coordinating with the Managing Agent for all applications, and posting of current status

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- c. Working with the Board of Directors for cohesive operations
- d. Presiding over scheduled meetings
- e. Providing regular reports, and presenting at the regular monthly Board meetings
- B. Committee Vice-Chair
  - a. Supporting the Chair in all of their duties
  - b. Backing up the Chair if unavailable
- C. Committee Secretary
  - a. Documenting and Recording activities of the committee
  - b. Capturing the meeting minutes and working with the committee for approval
- D. All Committee Members
  - a. Familiarization with all association governing documents
  - b. Participate in scheduled Committee meetings, when available
  - c. Evaluate all applications
  - d. Provide input and collaborate with other committee members
  - e. Elect committee officers
- E. Managing Agent
  - a. Receipt and storage of all AERC Applications
  - b. Initial evaluation of AERC Applications for the intent of categorizing
  - c. Coordinating applications with AERC members
  - d. Development and posting of the Status Sheet on the Association Website
- F. Board of Directors
  - a. Appoint members of the AERC
  - b. Ensure the AERC is operating within the auspices of the Association's governing documents
  - c. Hold hearings for appeals to AERC decisions

## Policy

All changes or alterations to the exterior of any member's property must be approved by the AERC in accordance with the directions identified in the Association's governing documents and this directive. All members of the association shall submit an architectural request by completing an application in accordance with the Association's Declaration of Covenants, Bylaws, and Architectural Guidelines. This policy is subject to revision as required. The AERC may determine if amendments or additions to the policies contained herein are necessary. Any proposed changes to these policies must be adopted by the Board of Directors.

## Procedures

### 1. Applications

Association members shall complete and submit an Architectural Request Application for any desired change to the exterior of their property. The application contains various fields that need to be filled out completely to provide sufficient scope and detail about the proposed change in order for the committee to evaluate it sufficiently. This form exists in various formats, while each application needs to be submitted only using one format. In all cases, the application must contain signatures indicating awareness of the four (4) most impacted homeowners, which are those who are either adjacent to the property or have a direct view of the proposed change. Once complete, it must be signed by the applicant and submitted to the Association's Managing Agent.

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- A. Application Formats
- a. Paper Copy
    - i. A hardcopy version of the application is available and may be obtained from the Association's Managing Agent.
      - 1. Office located at 20000 Father Hurley Boulevard, Germantown, Maryland 20874
    - ii. Members may fill out the form and return the paper copy to the Managing Agent for processing.
      - 1. These may be manually provided or mailed to the Association office.
  - b. Fillable PDF form
    - i. An electronic version of the application may be found on the association's website.
      - 1. [www.waterslanding.org](http://www.waterslanding.org) – Under the "Architectural (AERC)" section
    - ii. Once complete, the application may be submitted by emailing the Managing Agent.
      - 1. [wla@waterslanding.org](mailto:wla@waterslanding.org)
  - c. SmartWebs
    - i. This is a software tool used to complete the application.
    - ii. This software application may be accessed through Resident Connect.
      - 1. <https://waterslanding.connectresident.com/>
    - iii. Details to obtain an account are provided by the association's Managing Agent.
    - iv. Once the application is submitted, the status may be tracked through the software
- B. Supplemental Information
- a. In addition to the application form, members should submit any supporting documentation to provide further detail regarding the requested changes.
  - b. A site plan is required as part of many applications. A site plan is a scaled drawing of your lot (site) which shows exact dimensions of the property, adjacent properties if applicable and all improvements including those covered by the application. Contour lines may be required where drainage is a consideration.
    - i. A base for a site plan for single applications can be the plat plan provided to you upon the purchase of one's home. More complex applications require larger scale (20 or 10 scale) blowups of the plat plan of the county approved development or site plans.

Once submitted, the Managing Agent shall perform a precursory evaluation of the application to check for completeness and may return it to the Requestor with details on any necessary changes. Once the application is determined to be complete, the Managing Agent shall categorize it as one of the following types, with a subtype applied, if applicable.

- C. Application Types
- a. Conforming Application
    - i. Those which conform to the Guidelines and include all the required information and have the necessary and applicable signatures.
      - 1. Clear and concise drawings, explanations of style, color and about which there are not indications of conflicting opinion.
    - ii. Typically evaluated according to the standard timescale with a decision rendered at the next monthly committee meeting, unless also marked as a specific subtype, which may alter how it is processed.
  - b. Special Applications
    - i. Those which do not meet the "conforming" requirements which makes requests for items that are either not included or contrary to any guidance included in the Architectural Guidelines.
    - ii. These may require additional processing time but must still comply with documented timelines identified in Ref (a).

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D. Application Sub-Types

- a. Maintenance or Repair Application
  - i. An application that is just for performing regular maintenance or repair of existing features, without a major change to the style or appearance.
  - ii. Criteria for these types of applications include, but are not limited to:
    1. Replacing "like-for-like" features
      - a. Same color, materials, and style.
      - b. Color may no longer be available, but selecting one closest to the original.
    2. Minor landscaping where there are no potential drainage/run-off issues.
    3. Height of any landscaping delimiters is below 12 inches.
  - iii. Further criteria can be established if it is a well-known precedent for a given Neighborhood.
    1. Ex. 1: Roof Replacement - the color change is to one that already exists in that Neighborhood.
    2. Ex. 2: Color may remain the same, but the architectural style changes to one which is already established within that Neighborhood.
- b. Emergency Applications
  - i. An application that is submitted that requires urgent attention that may need to be addressed before the next monthly committee meeting.
  - ii. Criteria for these types of applications may include:
    1. Critical safety or health issue:
      - a. Exposure to the elements
      - b. Leaning tree and about to fall onto property
      - c. Poor structure about to collapse (deck, shed, etc.)
    2. Property damage is likely or already occurring:
      - a. Water leaking into home
      - b. rodents damaging structure
      - c. Response to or preparation for an adverse weather event
- c. Walk-On Applications
  - i. An application that is submitted after the required date, right before the regularly held meeting, which may not allow proper time to fully evaluate.
  - ii. These may be determined on a case-by-case basis to decide if they will be included in the upcoming meeting or will need additional time to evaluate, and thus must wait for the next scheduled meeting.
    1. If the application is submitted, it must be complete with all required information and inspection by committee members is not necessary for the proposed change.

## 2. AERC Timelines

As there are many applications submitted on a regular basis, it is important to follow the timelines to ensure the AERC will be able to evaluate, debate any relevant issues, and render their decision in a timely manner. The AERC meets on a monthly basis in order to evaluate requests and perform any other business of the committee. The schedule below provides a nominal timeline for a given application. Holidays or other unforeseen conditions may arise which would affect the notional schedule and may be adjusted accordingly. For any dates falling on a weekend or holiday, the next following business day is applicable. If the monthly meeting falls on a holiday, the meeting will be moved to the following Monday.

All applications shall be submitted to the Managing Agent by the 20<sup>th</sup> of each month in order to provide enough time for AERC members to evaluate the application. There are extenuating circumstances based on the Application Type/Sub-Type. Upon receipt of an application, the Managing Agent shall evaluate it based on the criteria defined within this document and shall categorize it accordingly. The Managing Agent shall immediately

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provide all Maintenance or Emergency applications to all Committee members for their evaluation, clearly identifying each (subject of the email). These shall be processed according to the details in the Approval section of this document. The Managing Agent shall prepare a Status Sheet to document each application. Committee members may reach out to the applicant and/or visit the site for further analysis to prepare to discuss at the upcoming meeting.

- AERC Application Notional Schedule
  - 20<sup>th</sup> of month – Members submit Applications to Managing Agent for initial evaluation
  - 22<sup>nd</sup> of month – Managing Agent provides Applications to the AERC
  - 25<sup>th</sup> of month – Managing Agent posts Status Sheet to WLA website for the upcoming meeting
  - 1<sup>st</sup> Monday of Month – AERC holds meeting to discuss applications and make decisions
  - 1<sup>st</sup> Tuesday of month – Managing Agent updates Status Sheet and sends to the AERC for approval
  - 1<sup>st</sup> Tuesday of month – Managing Agent notifies each applicant of their status
  - 1<sup>st</sup> Wednesday of month – Managing Agent posts updated Status Sheet to WLA website

### 3. Regular Committee Meetings

The AERC shall hold a regularly scheduled monthly committee meeting in order to evaluate each of the submitted applications. Status Sheets shall be used to document each application and their subsequent decision. A Status Sheet shall list each application, a summary of the request, the associated type, the address, and the applicant.

#### A. Status Sheets:

- a. The Managing Agent shall prepare and provide a meeting package which consists of the Status Sheet and copies of each application to each of the AERC.
  - i. These are used by committee members to evaluate each application before the meeting.
- b. The Managing Agent shall prepare a separate Status Sheet, replacing personal information regarding the applicants (address, name) with general information (street, Neighborhood), in order to protect applicants' privacy.
  - i. This revised Status Sheet shall be posted to the WLA Website to inform community members of upcoming proposed changes.
  - ii. The revised Status Sheet shall be updated after the meeting with decisions for each and be posted to the WLA website.
  - iii. Community members may request application details from the managing agent.

#### B. Regular Meeting Details:

- a. The format of Committee meetings shall be open to the community, and may be held in person or remotely, utilizing teleconferencing capability.
  - i. There must be a majority of the committee members present in order to have a quorum sufficient to hold the meeting.
  - ii. A majority vote of the committee is required for any decision to pass.
    1. Required by Ref (a), Section 2.
  - iii. Absent members may provide their vote by proxy.
    1. A documented vote must be provided by a committee member to an AERC officer.
    2. Any members to not provide a vote will be considered to have abstained.
  - iv. Community members that attend shall only address the committee during the allotted time.
    1. As this is a committee meeting, any community comments shall be withheld until the open forum unless called upon specifically by the committee to speak.
- b. The meeting agenda shall be decided by Committee Officers.
  - i. The evaluation of applications will typically come before other AERC business.
  - ii. The order of applications may change to prioritize those where the applicant is present.

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- iii. If determined that Emergency or Walk-On Applications are allowed at the initial meeting, the application may be included at the end of the agenda, as there may be more questions and assessment to better understand the application, as well as not inconvenience other applicants that followed the proper procedures and timelines.
      - iv. Open Forum is included at the end of the meeting for members to raise any topics to the committee.
      - v. At the conclusion of the meeting, any of the AERC officers are responsible for coordinating with the Managing Agent for posting of status or following up on any assigned Action Items.
    - c. Each application shall be reviewed and evaluated on its own merits.
      - i. A discussion shall be held amongst committee members to understand all aspects of the application including any adverse impacts.
      - ii. It is encouraged for the applicants to be present in order to engage with the committee members and to respond to any questions or issues that may arise in evaluating the application.
      - iii. If the applicant is not present or is unable to resolve any open questions during the meeting, the application may be tabled with specific direction as to what is required to close out the review.
- C. Special Meetings
- a. Circumstances may arise in which Committee business may need to be conducted outside of the regular monthly committee meeting. Some examples are:
    - i. Follow-up to a regular meeting to conclude open items.
    - ii. Continuation of an application where additional information was requested.
    - iii. Collaboration for the completion of any designated action items.
    - iv. Coordinate for the development of policies, procedures, or other pertinent Committee business.
  - b. Meeting Details
    - i. Similar to regular meetings, the format is open to the community and the agenda is determined by the AERC officers.
    - ii. A minimum of 3 days' notice to the community is required.
    - iii. Status of the meeting will be captured as a point of record.
      - 1. Any resulting information pertinent to the community shall be posted to the WLA website.

#### 4. Approvals

All submitted applications shall be evaluated by members of the AERC. The primary function of the AERC is to review applications from Association members to make modifications to properties within the Association. In accordance with Ref. (a), Section 1, the AERC is to determine that the request is appropriate as to the "safety, harmony of external design, color and location in relation to surrounding structures and topography and conformity with the design concept for the community."

Based on the variances in the types of applications, each may follow a different path to approval. These decisions are typically rendered during the standard monthly committee meeting, but there are some situations identified that may allow for a non-standard approval. If no decision is made within 60 days of a completed application, that application is deemed to be approved. All approved applications are in concept only, pending Montgomery County permitting submitted to the Managing Agent, if so required. AERC approval does not constitute an endorsement of any plan or ensure compliance with any relevant code; and WLA assumes no liability regarding the quality or durability of any modification.

#### A. Standard Application Review and Approval

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- a. A majority of applications are processed in accordance with the standard timelines and will be reviewed at the monthly committee meeting and a decision will be rendered.
  - i. Refer to the Monthly Committee Meeting section for further details.
  
- B. Maintenance/Repair Applications
  - a. Typically changing like-for-like items, and thus a full evaluation is not required.
    - i. The AERC requires an application to track any changes which may have potential conflicts with the governing documents.
    - ii. These applications do not require a majority vote as they are not required by the Association's governing documents, Ref (a) Section 1.
  - b. The Managing Agent will have categorized any Maintenance Application and provided to all Committee members upon receipt, clearly identifying it as such (i.e. subject line of the email).
  - c. Upon receipt of any application, the AERC may categorize it as a Maintenance Application, based on the Criteria identified for such.
  - d. AERC members shall have 48 hours upon receipt to provide their justification as to why this application may not be considered a Maintenance Application.
    - i. Any members to not provide a vote will be considered to have abstained.
  - e. The AERC Officers may identify it as a Maintenance Application based on committee input.
  - f. If identified as a Maintenance Application, an AERC Officer may provide Committee approval to the by signing the application directly.
    - i. The Committee emails identifying the majority agreement shall be captured and retained with the application.
  
- C. Emergency Applications
  - a. Submitted on an as-needed basis, and may not be practical to wait until the next monthly meeting.
  - b. The Managing Agent will have categorized any Emergency application and provided to all Committee members upon receipt, clearly identifying it as such (i.e. subject line of the email).
  - c. The Managing Agent is delegated the authority on behalf of the AERC to provide preliminary approval for Emergency Applications and may make a decision to provide either preliminary approval for the requester to proceed with their application immediately or defer to the AERC to make a decision
    - i. If preliminarily approved, the requester is responsible for ensuring that any modification made is in complete compliance with the Architectural Guidelines, or will otherwise be responsible for bringing the property back into full compliance after any decision by the AERC is made.
    - ii. The AERC will still perform its responsibilities in evaluating the Emergency Application to provide the required approval.
  - d. Upon receipt of any application, the AERC may categorize it as an Emergency application, based on the Criteria identified for such.
    - i. AERC Officers are to determine a response date for all AERC members to complete their evaluation in order to meet the needs of the request.
  - e. AERC members shall provide their documented response (paper or electronic) to the AERC Officers.
    - i. A unanimous vote of the committee is required to approve the Application.
    - ii. Per Ref (d), Section 14, the Board of Directors may make an action outside of a meeting if all members of the Board individually or collectively consent in writing.
      - 1. This policy shall be applied to the AERC for these Emergency Applications.
  - f. The results will be documented with all evidence captured and stored with the application.



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D. Tabled Applications

- a. If an application is tabled during a meeting, many aspects of the application will have been determined, but is typically awaiting on clarifying or missing information.
- b. An application may be approved contingently until missing or clarifying information is provided to the AERC.
  - i. Upon receiving the additional information, full approval may be granted.
- c. An application can either be approved (or rejected) by unanimous written (paper or electronic) consent of the Committee Members, or it can be brought up at the next Regular or Special Meeting of the AERC.
- d. AERC members shall provide their documented response (paper or electronic) to the AERC Officers.
  - i. A unanimous vote of the committee is required to approve the Application.
  - ii. Per Ref (d), Section 14, the Board of Directors may make an action outside of a meeting if all members of the Board individually or collectively consent in writing.
    1. This policy shall be applied to the AERC for these Tabled Applications.
- e. The results will be documented with all evidence captured and stored with the application.

E. Authority to Grant Exceptions to the Guidelines

- a. While the Association's Architectural Guidelines provide a vast range of details for homeowners and Committee members to follow, it is not possible to contain all matters that may be submitted.
- b. Ref (b) accounts for applications that are either conforming or special and requires that the AERC reviews each application on their own merit to determine if any is to be allowed. The Architectural Guidelines document itself provides the AERC the authority to approve applications that do not conform with the Guidelines.
- c. The committee has the authority to update the guidelines document per Ref. (a), Section 7. The AERC to "adopt and promulgate with the advice and consent of the Board of Directors such rules and regulations... and record such statements of policy, standards, guidelines and establish such criteria relative to architectural styles or details..."
- d. Ref. (c) provided by the Association's legal counsel states "The AERC is required to review every submitted application on an individual basis and may consider all information submitted in an application. It is permitted to approve applications that do not strictly comply with its published guidelines... In addition, the AERC is bound by the general legal duty of the Association to act in a non-discriminatory manner. That is, exceptions may be granted on the basis of the application itself, but not based on preferential or discriminatory treatment of the requesting Owner."
- e. Rationale for any exceptions shall be documented in the minutes for the application.

## 5. Application Closeout

No matter how an application was decided, any necessary documentation must be captured and retained. Applicants as well as the community must be notified.

A. Decision Notifications

- a. An AERC Officer shall communicate all decisions of the AERC to the Managing Agent
  - i. Within 24 hours of regularly held meeting, or from a vote collected remotely.
- b. The Managing Agent shall provide official notification to all applicants of the decision, containing any additional details.
  - i. Approval is not final until the Appeal period has expired, or the Appeal process is completed. Therefore approved applicants must wait for 15 days from the decision before proceeding with any construction to allow for the allotted 15 day appeal window.

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- ii. For applications requiring a permit, the notification shall identify that it was approved in concept only, pending Montgomery County (MC) permitting. Once the final permit is submitted to the Association office, a final approval will be issued.
  - c. The Managing Agent shall post the updated Data Sheet to the WLA Website within 48 hours of the rendered decision.
  
- B. Follow-Up Actions
  - a. An AERC Officer shall sign all applications to identify the decision rendered.
  - b. AERC Members and/or the Managing Agent shall follow up with all approved applications to verify that what was implemented is consistent with the original request.
    - i. e.g.. Verifying there was no alteration to the color, style, or design from what was approved
  - c. The follow up will be completed between 180 and 365 days after approval.
    - i. Per Ref (a), Section 5, if commencement of the alteration has not begun within 6 months, then the approval has lapsed, and the applicant must re-apply.
    - ii. Work on an approved modification must be completed within 12 months of commencement.
    - iii. Approved applicants may request extension of the deadlines from the AERC for good cause.
  - d. Any modifications that diverge from the approved application shall be identified with the Managing Agent to take appropriate action.
  
- C. Certificate of Compliance
  - a. In accordance with Ref. (a), Section 6, a certificate of compliance will be provided to the homeowner if so requested by the homeowner and the completed alteration is in accordance with the plans and specifications of the application approved by the AERC.

## 6. Minutes

Minutes shall be produced for every regularly held committee meeting. These minutes are to capture the proceedings of the meeting and to document all decisions made. Minutes should capture the highlights of the meeting and not be a full transcription of what was discussed at the meeting. Minutes should document what was done, not what was said.

- A. Minutes Content/Format
  - a. Attendees of the meeting (committee as well as participants)
  - b. Important discussion points, not entire conversations
  - c. Rationale/Justification for why decisions were made
  - d. A counterpoint may be included for future reference
  - e. Summary of the votes
    - i. ex: 3 in favor, 2 against, 1 abstention, and include a rationale for abstentions
  - f. Committee Members names shall not be included either in the discussion points or in the voting tally

Meeting Minutes shall be created by the Secretary and the initial draft shall be provided to all AERC members for their review prior to the following regularly scheduled monthly meeting. The secretary shall incorporate any feedback and present a final version at the following meeting for the Board to vote and approve. Any recordings or draft minutes shall only be used by the Secretary and Committee members for the development and approval of the official minutes. No recordings or draft minutes will be made available to other community members. Approved Meeting Minutes shall be posted on the WLA website.

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## 7. Appeals

In accordance with Ref (A), Section 4, Any party dissatisfied with the AERC decision may appeal to the Board of Directors within 15 days of the decision. An appeal procedure exists for those affected by an AERC decision who feel that any of the following criteria were not met by the Committee when reviewing an application:

### A. Appeal Process

- a. Appeal Criteria
  - i. Proper procedures were followed during the administration and review process
  - ii. The applicant and any other affected homeowner attending the meeting were given a fair hearing
  - iii. The AERC decision had a rational basis, and was not arbitrary
- b. To initiate the appeal procedure, applicants or other association members must submit a written request for an appeal within 15 days of the AERC decision.
- c. The Board of Directors must then hold a hearing between 15 and 60 days of the submitted appeal.
- d. Within 15 days of the hearing, the Board of Directors may affirm, reverse, modify, or remand the decision appealed.
  - i. If a decision by the Board is not made in that time, then the original decision made by the AERC shall stand.
- e. The Board shall determine the rules of procedure for the appeal hearing.

## 8. Enforcement Procedures

Ref (a), Section 8 requires the AERC to ensure compliance of all lots with the Associations architectural standards. The AERC will perform this responsibility by performing the following:

1. Architectural Violations may be identified by any of the following:
  - a. The Managing Agent
  - b. Members of the AERC
  - c. Members of the Board of Directors
  - d. Concerned homeowners
  - e. Walk throughs of Waters Landing Neighborhoods by designated person(s)
2. Violations will be confirmed with a site visit by the Managing Agent and/or AERC member.
3. Notice shall be sent to homeowners in violation of the Covenants, citing the violation and the appropriate resolution to the violation.
4. Remedial action to correct the violation must occur within 30 days of the receipt of the letter.
  - a. Homeowners have the right to appeal the citation. Such an appeal must be made in writing within 15 days of the receipt of the notice.
5. If there is no response after 30 days, a second notice will be sent by certified mail.
6. After another 30 day period with no contact, a notice will be sent (again by certified mail) informing the homeowner of the time and place of a hearing by the Board of Directors on the case.
7. If the case is not resolved during the hearing, or 60 days thereafter, it will be turned over to Counsel by the Board of Directors with a recommendation for legal action.
  - a. The homeowner will be advised of his rights as they pertain to Article 24B of the Montgomery County Dispute Resolution Act.

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Revision History

Date	Revision	Description	Owner	Author
22 May 2024	-	Initial Release submitted by AERC and approved by the WLA Board	WLA BoD	T. Green

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Appendix A – Covenants Quick Reference Guide

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## Appendix A - Covenants – Article VII – AERC Quick Reference Guide

The following guide is for reference purposes only, and does not modify the terms of the Governing Documents.

### Section 1 – Architectural Review Committee

- Complete plans showing all relevant details must be submitted and approved by the AERC
  - Before any construction, development, alteration, or improvement take place
    - except for purposes of proper maintenance and repair
  - Before altering in any manner whatsoever the exterior of any improvements which will affect the property or welfare of any other lot, or common property
    - Including windows, exterior doors, patios, balconies, decks, sidewalks, etc.
  - Which must adhere to the safety, harmony of external design, and location relative to surrounding structures

### Section 2 - Architectural Review Committee Operation

- The Board of Directors shall appoint the Architectural Committee of 3-11 people.
  - Selected from and serve as representatives of the neighborhoods
- A vote of the majority of the committee is required to adopt a rule/regulation or to make any determination or ruling
- Committee may delegate ministerial/policing functions to the Managing Agent

### Section 3 – Approvals, etc.

- Approval of any submissions must be kept as a part of the Committee Records
  - Copy of the approved submission shall be returned to the applicant
- If committee does not approve or reject a completed submission within 60 days, then then approval will not be required, and the submitter is allowed to proceed

### Section 4 - Appeals

- Any party dissatisfied with the AERC decision may appeal to the Board of Directors within 15 days of the decision
- Board of Directors must hold a hearing between 15 and 60 days of the submitted appeal
- Within 15 days of the hearing, the Board of Directors may affirm, reverse, modify, or remand the decision appealed
- The Board can determine the rules of procedure for the appeal hearing

### Section 5 – Limitations

- Projects must start within 6 months of AERC approval, & typically be completed within 12 months of starting
- If construction has not started in the allotted time, then approval will have lapsed
- Any deviations from the plans/specifications must be approved by the AERC in writing
- Approval of these plans does not prevent the AERC to disapprove similar plans elsewhere

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**Section 6 – Certificate of Compliance**

- Upon project completion, the owner may request, and the AERC must issue a certificate of compliance

**Section 7 – Rules and Regulations, etc.**

- The AERC may, with approval from the Board of Directors, adopt and promulgate rules and regulations regarding the form and content of submissions
- AERC may publish and record statements of policy, standards, guidelines, and establish criteria relative to architectural styles or details as it may consider necessary or appropriate
  - These must not interfere with any stipulations from the Declaration of Covenants
- AERC may charge a fee for the evaluation of submissions
- AERC decisions are final except any aggrieved member may appeal any decisions or policies of the AERC to the Board of Directors

**Section 8 – Prohibited Uses and Nuisances**

- a) No noxious or offensive trade may occur on the lot, which may become a nuisance to the neighborhood
  - No speakers, horns, sirens, bells, etc. except those exclusively for security systems
- b) Maintaining livestock of any kind is prohibited
  - domestic pets are allowed, but not for commercial purposes (breeding/selling), as long as they are registered, licensed, and inoculated, and not a nuisance to neighbors
    - Board or AERC may hold hearing to determine the extent of any aggravation
  - Pets are not allowed on common areas unless carried or on a leash
    - Board may adopt additional pet rules as necessary
- c) No storage or burning of waste, bulk material, lumber, scrap metal, building materials on any lot
- d) No junk vehicle, commercial vehicle, trailer, truck, camper, boat or machinery shall be kept on the property. Repair and extensive maintenance of vehicles is not allowed, nor parking or working on them on public streets in the community
  - Machinery used for maintaining homes or the associations property is allowed.
  - AERC may determine where parking for such vehicles is allowed.
- e) Trash must be placed in containers and shall not be in public view except for collection days
- f) No lot is to be divided or subdivided. No portion other than the entire dwelling shall be leased
- g) No water, sewer, gas, drainage, pipes or tv, internet, phone cables installed above ground
- h) No lot is to be used to mine for oil or other earth minerals
- i) No trees larger than 4 inches in diameter shall be removed without written approval
  - AERC may adopt rules for the preservation of natural resources as necessary
- j) No temporary structures at any time, such as trailers, tents, shack, barn, pen, kennel, stable, outdoor clothes dryers, playhouses, or sheds
- k) No signs or advertising devices except for entrance, traffic, or community promotional signs
- l) No structure or plants may be used which will interfere with easement for maintenance of utilities, or which would impede drainage channels
- m) No exterior tv or radio antennas
- n) No member shall direct or assert control over any association employee

**Section 9 – Residential Use - Leasing**

- All dwellings shall be used for private residences, but may have professional home offices
  - Office may only be used by person living there and meeting all zoning laws.
  - This would be a Dr., dentist, lawyer, architect office, not a medical clinic

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- No portion shall be leased for a period, only the entire dwelling
  - Upon request of the Board, a copy of the lease must be provided
  - Must include a provision that tenants will fully abide by the governing documents

### **Section 10 – Party Walls**

- a) Repair and Maintenance
- b) Destruction by Fire or Other Casualty
- c) Weatherproofing
- d) Right to Contribution Runs with Land
- e) Encroachment
- f) Applicability

### **Section 11 – Easements**

- Common Areas, Community Facilities, and lots are subject to easements for community benefit
- These benefit all, such as maintenance for pipes, ducts, conduits, cables, wires, etc.

### **Section 12 – Community Rules, etc.**

- The Board is authorized to adopt Community Rules, and must promulgate in writing to members
- Members must not violate rules for the community, common areas, or community facilities

### **Section 13 – Reconstruction after Fire or Other Casualty Loss**

- If a dwelling has a fire, owner shall promptly restore/reconstruct at own expense
  - Separate rules may apply to Condo units
- Must be in accordance with original plans, or Board approved amended plans

### **Section 14 – Enforcement – Right to Remove or Correct Violations**

- Any violation of any covenant in this article is considered to have been done without the approval of the AERC
- AERC must provide written notice for the owner for owner to promptly remove/abate
- If not resolved within 15 days of notice, then Agents/employees (by resolution of AERC) may enter lot and take steps necessary to resolve the violation
- The cost to resolve may be assessed against the lot, and that amount will become due, and payable and a continuing lien upon the lot, and a binding personal obligation of the owner
- Agent or employees or committees have right to enter and inspect the lot at any reasonable time to ascertain whether violation exists, and they shall not be considered to have committed a trespass by reason of inspection.