

NEWBERRY STATION

Architectural and Environmental Regulations

AUGUST 2021

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PREFACE

This is the revised “Architectural and Environmental Regulations” (AER) of Newberry Station Homeowners Association, Inc. The Architectural and Environmental Control Committee (AECC) has prepared these regulations pursuant to the Association Bylaws and Article VII, Section 6, of the Newberry Station “Amended and Restated Declaration of Covenants, Conditions, and Restrictions” (hereinafter referred to as the Declaration). Pursuant to its authority under the Declaration, the AECC revised the AER on August 12, 2021, to revise provisions of the AER related to fence post dimensions and fence/deck stains; and also to henceforth favor applications for sheds that are prefabricated.

The revised Regulations are available for review and downloading on the Association web site.

If you wish to ask a question, voice an opinion or discuss a problem concerning the architecture or environment of Newberry Station (including concerns about the regulations), please contact any member of the AECC or the Board of Directors.

INTRODUCTION

What Is Architectural And Environmental Control?

Authority for architectural and environmental control are established in Article VII of the “Amended and Restated Declaration of Covenants, Conditions, and Restrictions” (Declaration), as recorded in Deed Book 4937 among the Land Records of Fairfax County, Virginia. The Declaration establishes the rights and obligations of both owners and the Association. Among other matters, the Declaration requires establishment of an Architectural and Environmental Control Committee. The Declaration empowers the AECC to draft regulations in addition to those already specified in the Declaration. In case of a conflict between the AER and the Declaration, the Declaration prevails.

What Purpose Does It Serve?

The AECC is responsible for preserving property values through preservation of the architectural and environmental integrity and beauty of our Community. This is accomplished by ensuring compliance, in the most reasonable and objective manner, the applicable portions of the Declaration we all agreed to when we purchased our homes, as well as the rules and regulations contained in this document.

The AECC also provides and administers the process by which homeowners can apply to modify their properties. When improvements are made in accordance with these regulations, the value of homes in our Community increases.

Finally, the AECC is the initially responsible for the pursuit of legal action against residents who do not comply with the requirements of these Regulations or applicable sections of the Declaration. This action is undertaken only after all reasonable attempts have been made to communicate and work with the homeowner to address concerns.

Basic Requirement For Changing The Exterior Of The Property

Section 1 of Article VII of the Declaration requires that owners obtain prior permission from the AECC before making any change to the exterior of a dwelling or to any other part of a lot. That Section provides:

“... except for purposes of proper maintenance and repair, NO building, fence, wall or other improvements or structures shall be commenced, directed, placed, moved, altered or maintained upon The Property, nor shall any exterior addition to or change (including any change of color) or other alteration thereupon be made until the complete plans and specifications showing the location, nature, shape, height, material, color, type of construction and any other proposed form of change (including, without limitation, any other information specified by the Architectural and Environmental Control Committee) shall have been submitted to and approved in writing as to safety, harmony of external design color and location in relation to surrounding structures and topography and conformity with the design concept for the community by an Architectural and Environmental Control Committee designated by the Board of Directors.

INTRODUCTION

“Subject to the same limitations as hereinabove provided for, it shall be prohibited to install, erect, attach, apply, paste, hinge, screw, nail, build, alter, remove or construct any lighting shades, screens, awnings, patio covers, fences, wall, slabs, sidewalks, curbs, gutters, patios, balconies, porches, driveways, or to make any change or otherwise alter (including any alteration in color) in any manner whatsoever the exterior of any improvements constructed upon any lot or upon any of the common areas, or to combine or otherwise join two or more dwellings, or to partition the same after combination, or to remove or alter any windows or exterior doors of any dwelling, until the complete plans and specifications, showing the location, nature, shape, height, material color, type of construction and any other proposed form of change (including, without limitation, any other information specified by the Architectural and Environmental Control Committee) shall have been submitted to and approved in writing as to safety, harmony of external design, color and location in relation to surrounding structures and topography and conformity with the design concept for the community by the Architectural and Environmental Control Committee designated by the Board of Directors.”

The Declaration, Article VII, Section 6 further state:

“The Architectural and Environmental Control Committee may from time to time adopt and promulgate such rules and regulations regarding the form and content of plans and specifications to be submitted for approval and may publish and record such statements of policy, standards, guidelines and establish such criteria relative to architectural styles or details, fences, colors, set-backs, materials or other matters relative to architectural control and the protection of the environment as it may consider necessary or appropriate. No such rules, regulations, statements, criteria or the like shall be construed as a waiver of the provisions of this Article or any other provision or requirement of this Declaration. The Architectural and Environmental Control Committee may charge and collect a reasonable fee for the examination of any plans and specifications submitted for approval pursuant to the provisions of this Article. The decisions of the Architectural and Environmental Control Committee shall be final except that any member who is aggrieved by any action or forbearance from action by the Committee (or by any policy, standards or guidelines established by the Committee) may appeal the decision of the Architectural and Environmental Control Committee to the Board of Directors and, upon the request of such member, shall be entitled to a hearing before the Board of Directors of the Association.”

AECC approval of a particular improvement request does not imply that the improvement conforms to applicable County building codes and regulations. HOMEOWNERS REQUESTING APPROVAL OF IMPROVEMENTS ARE RESPONSIBLE FOR MAKING CERTAIN THAT ALL CONSTRUCTION PROJECTS CONFORM TO COUNTY BUILDING CODES AND REGULATIONS.

DEFINITIONS

Appearance Standards.	Standards used by the AECC or its Agent(s) in its inspections.
Preapproved Improvements.	Improvements that have been preapproved by the AECC. Lot owners may make these improvements WITHOUT prior written approval of the AECC — but only if the lot owner fully complies with the terms and conditions in this document regarding such changes.
Common Improvements.	Improvements generally approved by the AECC. However, lot owners may NOT make any such change without prior written approval of the AECC. If the regulations stated here are followed in the application, approval of the proposed project is likely.
Special Improvements.	<p>All improvements (whether or not addressed in these regulations) other than “preapproved improvements” and “common improvements”. Lot owners must obtain written permission from the AECC prior to making any special improvements. Special improvements include, but are not limited to —</p> <ul style="list-style-type: none">• Changes in structure to windows and doors (including frame, sill, and glazing styles)• Raised decks• Landscaping changes over and above those listed as preapproved or common improvements• Brick, stone, masonry or timber constructions in front or side yards• Siding changes• Eave/trim/rakeboard changes• Brick or foundation painting.
PROHIBITIONS.	Prohibitions include both (a) changes that lot owners may NOT make under any circumstances and (b) actions that lot owners may NOT do under any circumstances. The AECC will NOT authorize prohibited changes or actions either prospectively or retroactively.

A. GENERAL PROHIBITIONS

Except as indicated, all of the following are prohibited.

1. Signs and Placards

NOBODY may maintain signs or placards of any kind on any property within the community (including any part of the common grounds) or on any house or in any window, EXCEPT for:

- (a) "Tot Finder" signs in windows
- (b) Small "No Soliciting", anti-theft, and pet identification signs mounted on front doors, patio doors, door frames, or windows.
- (c) Signs and placards which promote election candidates during the four week period prior to voting day
- (d) One temporary "For Rent" or "For Sale" sign placed in the front or side yard of the property being sold or rented; if the sign:
 - Does not exceed six (6) square feet in area, and
 - Is removed promptly following the sale or rental of such dwelling.
- (e) One sign attached to a dwelling where a professional office is maintained; provided that the sign:
 - Does not exceed two (2) square feet in area, and
 - Is not illuminated.
- (f) "Open House" signs (whether posted on the common ground or private property) for the purpose of selling or renting a house; provided that any such sign is displayed only on the day of the open house for the duration of the open house and is promptly removed at its conclusion.
- (g) Signs or placards that are part of seasonal decorations; provided that such signs or placards are displayed only during the three week period before or after the Holiday seasons.
- (h) Posting of advertisements and notices on the community bulletin board.

2. Exterior Antennas

NOBODY may install any antenna other than the following.

- (a) A "dish" antenna one meter (39.37 inches) or less in diameter (or any size dish if located in Alaska), designed to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite.
- (b) An antenna that is one meter or less in diameter and is designed to receive video programming services via broadband radio service (wireless cable), or to receive or transmit fixed wireless signals other than via satellite.
- (c) An antenna that is designed to receive local television broadcast signals.

NOBODY may install antennas used for AM/FM radio, amateur ("ham") radio, CB radio, Digital Audio Radio Services ("DARS"), or antennas used as part of a hub to relay signals among multiple locations.

A. GENERAL PROHIBITIONS

Antenna(s) must be mounted on the rear roof of the house, absent approval of the AECC for a different siting.

3. Antenna And Cable Wiring

With respect to wires connecting external antennas to interior audiovisual equipment or cable from the ground to interior audiovisual equipment, NOBODY may —

- (a) Let the wires hang loose from the roof or walls (all wires must be firmly attached to the exterior roof and walls).
- (b) Mount an antenna on one side of the roof and drape one or more wires from that antenna over the rooftop to the other side of the house.
- (c) Run a wire from one floor to another floor (or from one side of the house to the other side of the house) on the exterior of the house.
- (d) Use a wire that differs in color from the siding (if necessary, paint the wire in a matching color).

4. Clothes Lines

NOBODY may install permanently mounted exterior hanging devices for clothes. However, residents may hang swimsuits or special items outside on temporary lines for very short periods.

5. Air Conditioners

NOBODY may install any separate window-mounted room air conditioner. NOBODY may install any window-mounted fan that extends beyond the exterior plane of the window frame.

6. Awnings

NOBODY may install porch coverings or non-retractable awnings.

7. Plants On Common Ground

NOBODY may prune, trim, cut or otherwise shape any bush, tree, shrub, or other growth on the Common Grounds without the express written approval of the Board of Directors or its Management Agent.

8. Dumping

NOBODY may dispose of any type of debris, trash, or other non-organic materials on common grounds, including the woods in the vicinity of the pool and on the western boundary of the Community (below Trestle and Stationhouse Courts).

9. Offensive Activities

NOBODY may carry out any noxious or offensive trade or activity on any lot or within any dwelling. Nobody may do anything on any lot or within any dwelling which may be or become an annoyance or nuisance to the neighborhood or other residents.

10. Noisemaking Devices

NO speaker, horn, whistle, siren, bell or other sound device (except such devices as may be used exclusively for security purposes) shall be located, installed or maintained upon the exterior of any dwelling or upon the exterior of any other improvements.

A. GENERAL PROHIBITIONS

11. Animals

NOBODY may maintain, keep, board or raise animals, livestock, or poultry of any kind, regardless of number, on any lot or within any dwelling. However, a resident may keep fish, dogs, cats or caged birds as domestic pets if the pets are:

- (a) NOT kept, bred or maintained for commercial purposes,
- (b) Registered, licensed and inoculated as may from time to time be required by law,
- (c) Carried or leashed when permitted upon the common areas and accompanied by a responsible person,
- (d) NOT permitted to deposit any excrement on any part of the common property or property of any lot owner (unless such excrement is immediately removed and properly disposed of),
AND
- (d) NOT a source of annoyance or nuisance to the neighborhood or other lot owners or their tenants.

The Board of Directors is authorized, after conducting a hearing, to determine whether a particular pet is a nuisance or a source of annoyance to other lot owners or their tenants, and such determination shall be conclusive.

12. Buildings

Except as otherwise provided in this document, NO structure of a temporary character, and no trailer, tent, shack, barn, pen, kennel, run, stable, outdoor clothes dryer, shed or other buildings shall be erected, used or maintained on any lot at any time.

13. Changes To Houses

NOBODY may bump out the side, front, or rear of the house or otherwise change the original exterior architecture of the house without advance permission of the AECC; nobody may raise the roof to add another story (See Declaration, Article VII, §1).

14. Private Use Of Community Property

NO lot owner shall make any private or exclusive or proprietary use of any of the common areas except with the specific approval of the AECC and then only on a temporary basis. For example, nobody may hold yard sales on common grounds absent AECC approval.

B. DOORS, WALLS, WINDOWS, AND TRIM

1. Appearance Standards

a. Painted surfaces and screens. Paint on all surfaces (including window trim, all windowsills, door trim and frames, roof rake boards and eaves) must be free of peeling, chipping, cracking, stains, discoloration, mildew, and rot. Front doors and storm doors must be rust free and in good repair.

b. Wood Framing. All wood framing (eaves, rake boards, door frames, window frames, et. al.) must be in good repair. Missing boards must be replaced.

c. Exterior Sidings. Sidings must be free of stains, mildew, vines and vine debris. Siding repairs must be accomplished such that the new panels match the original panels in all respects including size, color, and style. Hammer marks and exposed nails are prohibited.

d. Windows. Windows, including screens, must be in good repair. Windows with false cross-strips in disrepair must be repaired or replaced. Windows with condensation between the panes must be repaired or replaced.

e. Chimney caps, ridge vents, dryer vents, exhaust vents, and flashing. All must be rust free and in good repair.

f. Light fixtures. Other than for security lighting, lantern-style light fixtures must be used on fronts and sides of houses. Security lighting using non-lantern styles such as spotlights are permitted on the rear of the house or on the rear eave. Security lighting may be installed on the front or side of a house only upon approval by the AECC, which reserves the right to prohibit lights that would be offensive to the community in terms of design or excessive light production.

g. House plaques. Standard house number plaques must be in place and in good repair (e.g., not dangling or loose; no missing numbers).

h. Concrete and masonry. Visible cracks, gaps and holes in, around, and under steps, porches, front walks, chimneys, and foundations must be filled in or repaired. New concrete porches may be required if settling, cracking, or gapping is too severe. Loose or missing mortar work must be repaired.

i. Railings. Railings must be kept in good repair, i.e., painted, free of rust, securely mounted. Non-standard mounting techniques involving protruding masses of concrete, etc. are prohibited.

j. Garage Doors. Garage doors must be must be free of stains, discoloration, mildew, and rot. There must not be visible damage to the doors. Repairs to accidental damage must maintain the current color and design. When closed, doors must fit with minimal gaps -- when measured with a straight edge, doors must be aligned within 2.5 cm (1 inch) on the vertical and 5 cm (2 inches) on the horizontal. Other then when residents are actively using the garage, garage doors must be closed.

B. DOORS, WALLS, WINDOWS, AND TRIM

k. Retractable Awnings. Retractable awnings must be kept free of stains, discoloration, mildew, and rot. There must be no visible damage to the awnings. The awnings must be kept in good repair and securely mounted to the exterior of the backside of the house. The awnings have to be retracted when not in use.

2. Preapproved Improvements

a. Repainting. Without prior permission, lot owners may repaint wooden trims, doors, and garage doors in colors that are reasonably close to the original colors [except that trim interior to (i.e., covered by) a storm door may be painted to match the storm door].

b. Deadbolt locks and peepholes. Without prior permission, lot owners may add a deadbolt lock and peephole to the front door of a dwelling.

c. Storm doors. Without prior permission, lot owners may install a storm door on the front or side door of a house if the storm door is:

- (1) White or the same color as the exterior door frame.
- (2) Of the “full-view”, “split-view”, or “cross buck” design (see examples below).
- (3) Of anodized aluminum (enamel baked-on the aluminum is acceptable) or vinyl.
- (4) Unadorned (save for any minimal adornments of simple design).



Lot owners must file an application and receive written approval before installing any other type of storm door.

d. Sidings. Without prior permission, lot owners may replace aluminum sidings with aluminum or vinyl, as long as the color is reasonably close to the original coloring of the siding.

B. DOORS, WALLS, WINDOWS, AND TRIM

e. Shutters. Without prior permission, lot owners may replace shutters, if the shutters are:

- (1) Of the same color as the existing house trim or reasonably close to the original color of the shutters.
- (2) Aluminum or high-impact plastic.
- (3) Firmly secured with screws.
- (4) Louvered or solid (but not half solid).

3. Common Improvements

a. Changes to color of doors, trim, sidings, and shutters. The AECC will consider applications for color changes only if (i) accompanied by color samples from the paint dealer and (ii) the colors conform to the palette pre-approved by the AECC.

b. Chimneys. The AECC will consider applications for a standard chimney; provided that the chimney satisfies Fairfax County code.

c. Victorian doors. The AECC generally approves applications for Victorian Doors, which are stained brown or in a color the matches the existing house trim or original door color.

4. Special Improvements

a. Cladding or covering of any existing wood trim. Lot owners may NOT clad or cover existing wood trim with aluminum or any material other than vinyl without express prior permission of the AECC.

b. Replacing garage doors. Applications to replace garage doors (other than with a door that matches the door being replaced) must be submitted in advance to the AECC.

c. Retractable awnings. Applications to install retractable awnings must be submitted in advance to the AECC. Non-standard professional installation is prohibited. Applicants must submit proposed color options for the awnings; the AECC reserves the right to determine which color options for the retractable awning will be allowed.

5. Prohibitions

a. Two-tone door frames, doors, shutters and trim. Each individual door, door frame, shutter, or item of trim must be painted a single color.

b. Externally visible exhaust pipes or vents for wood burning stoves. Lot owners and/or residents may NOT vent the exhaust from wood burning stoves through pipes or vents. Smoke from materials burning inside the house must exhaust through standard chimneys.

c. Tying Open Screen Doors. Nobody may tie open screen doors or otherwise keep them open.

See also GENERAL PROHIBITIONS.

C. ROOFS

1. Appearance Standards

a. Condition. Roofs must be sound and free of warping. Shingles must be free of cupping and other deterioration.

b. Rain gutters and downspouts. Rain gutters and downspouts must be firmly affixed, functional (not clogged, no holes or leaks), and free of stains, mildew and vine growths.

2. Preapproved Improvements

a. Replacement roofing. Any lot owner may replace the roof of a dwelling as required, provided standard practices are employed and the shingles are of a color reasonably close to the color of the original shingles.

b. Attic fans. Any lot owner may install an attic fan without prior permission' provided that the fan is mounted on the rear of the house, does not extend above the peak of the roof, and is no higher than 12 inches above the roof's surface.

3. Special Improvements

a. Skylights. All skylights are Special Improvements and therefore must be approved by the AECC prior to the start of work. In considering applications for skylights, the AECC generally favors:

- (1) Skylights installed on the rear roof section (not on the front roof section of the house).
- (2) Velux flat-style skylights.
- (3) Skylights not larger than 24 inches by 60 inches.
- (4) Skylights not closer than 2 feet to the peak, eave or sides of the roof surface.
- (5) Replacement shingles that match those already in place.
- (6) Skylights that fit between roof trusses (considering the potential damage to structural integrity if trusses are cut or modified).

4. Prohibitions

See **GENERAL PROHIBITIONS.**

D. YARDS

1. Appearance Standards

a. Fences. Fences and gates must be maintained in good repair, i.e., not leaning, no scabbed repair boards, no split or missing boards, fencepost caps in place, gate hardware in place (hinges, latches, etc.). In accordance with Virginia state law, expenses for repair of fence sections which are common to two properties must be shared by the owners of the two properties.

b. Vines. Vine growths or vine debris of any kind are not permitted on external sidings, downspouts, sidewalks, porches, stair railings, or common fence sections.

c. Ground cover. Front and side yards must be covered by one or more of the following —

- (1) Grass.
- (2) Other low, dense-growing plants, such as ivy or pachysandra, generally accepted by horticulturalists for use as ground cover.
- (3) Preapproved shrubs, flowers, and/or ornamental plants.
- (4) Mulch.

d. Lawns. Yards (front, side and back) must be free of bare spots, weeds, and trash. Grass may be no more than 4 inches high. All other plants used as ground cover must be regularly trimmed. Borders must in good repair.

e. Trees and shrubs. Dead shrubs and trees must be removed as well as stumps. Trees and shrubs may not rub against sidings or the wooden trim around doors and windows. Trees and shrubs may not extend beyond the unit lot, either at the root level or branch level.

f. Trash. Except as may reasonably be necessary during construction projects, nobody may accumulate or store anywhere in a yard (front, side or back) automobile or truck tires, litter, lumber, scrap metals, refuse, bulk materials, waste, new or used building materials, or trash of any other kind. Trash containers, trash bags, and recycling bins must never be stored in the front or side yard. They must be kept inside the house or in the backyard until the night before the regularly scheduled garbage collection day. Containers and bins must be promptly retrieved after they have been emptied by the trash collection service. Trash may NOT be burned.

g. Loose Objects. Loose objects (including — but not limited to — toys, bikes, brooms, rakes, shovels, snow shovels, barbecue equipment, patio furniture, lawn chairs, garbage cans, and recycling bins) must NOT be left or stored in front or side yards.

h. Hoses. Hoses must be kept in an orderly fashion. If stored in a front or side yard, hoses shall either be neatly coiled or mounted on an unobtrusive hose caddy approved by the AECC.

i. Retaining Walls. Retaining walls must be free of rot and not in danger of collapse. When walls are replaced to meet this standard or for any other reason, the replacement walls shall conform to specifications provided by the AECC.

j. Decks and Sheds. Decks at all levels and every shed must be clean and in good repair.

D. YARDS

2. Preapproved Improvements

a. Shrubs, flowers, and ornamental plants. Under the following conditions, residents and/or lot owners may without prior approval plant shrubs, flowers, and other ornamental plants commonly sold in nurseries for gardens or landscaping.

- (1) Nobody may plant vines (other than ivy and other ground covers) in front or side yards without prior approval, and vines must conform to the above appearance standards.
- (2) Plants must be embedded in the yard and may NOT extrude beyond the lot line in any way.
- (3) On the front or side of the house, plants may NOT cover any part (including bottom framing) of the first-floor windows.
- (4) Other than for shrubs next to the dwelling, front yard plants may not exceed three feet in height without prior approval.
- (5) Shrubs, flowers, ornamental plants, ivy, and other vines must be regularly trimmed.
- (6) The resulting landscape must be in general harmony with the prevailing landscaping of the Community.

b. Borders. With respect to front and side yards, any combination of the following (provided they are used in moderation) are preapproved for bordering (within two feet) of trees, porches and sidewalks:

- (1) Ground cover (see Section D1c above).
- (2) Landscaping timbers.
- (3) A row of bricks, rocks, or other preformed landscaping masonry not higher than 12 inches.

c. Portable lawn furniture and barbecue equipment. Without prior permission, residents may use portable lawn furniture and barbecue equipment on any part of the property; provided that these items are stored within the fenced-in backyard when not in use. They must never be left out overnight in front or side yards or on sidewalks.

d. Vegetable gardens. Without prior permission, residents may plant vegetable gardens within fenced-in backyards, provided the plants do not exceed the height of any adjacent fence or grow through to a neighbor's yard. Vegetables may not be planted in front or side yards.

e. Picnic tables. Without prior permission, residents may install picnic tables, with or without umbrellas, within fenced-in backyards.

f. Hose caddies. Without prior permission, residents and/or lot owners may affix hose caddies to the inside of the backyard fence.

D. YARDS

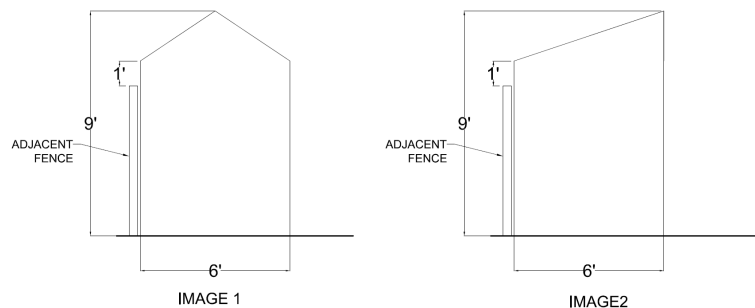
g. Outside seasonal decorations. Without prior permission, residents may display seasonal decorations on the exterior of their property three weeks before or after the Holiday seasons.

3. Common Improvements

a. Trees. Nobody may plant trees without prior approval. All trees must be approved, since the root systems of some trees can damage sewage and home drainage systems. Lot owners may remove trees from their yards.

b. Backyard sheds. Owners must apply to The AECC and receive a full approval prior to the installation of a backyard shed. The application must include a photo of the shed that will be installed, and a plan that shows where the shed will be installed. The AECC generally approves applications for backyard sheds if:

- (1) The shed is prefabricated; all-weather UV protected outdoor plastic (made of polypropylene resin with reinforced solid steel).
- (2) The ground dimensions of the shed base are less than 6 feet by 8 feet.
- (3) The shed's long dimension is placed along the adjacent fence or back of the house.
- (4) The shed is anchored securely to the ground with 3/8-inch bolts set in concrete or with no-rust 1-foot long foundation pegs or tent pegs.
- (5) The shed is white, beige or the color of the house or house trim.
- (6) The shed will not interfere with drainage from the lot or a neighbor's property.
- (7) The shed roof peak does not extend higher than eight and a half feet from ground level three feet from the adjacent fence line.



D. YARDS

c. Fencing. Applications for fencing are generally approved when:

- (1) Pressure-treated wood is used.
- (2) Board-on-board design is employed, using 6-inch by 6-inch fence posts to the left and right of the gate; corner and intermediate boards 4-inch by 4-inch; and all other boards 1-inch by 4-inch.
- (3) Property lines are adhered to.
- (4) Only the backyard area is fenced in, plus portions of the side yard only as specifically approved by the AECC.
- (5) Fence posts are secured in deep concrete- and stone-filled holes at a minimum depth of 18 inches.
- (6) Silver or black aluminum-colored fence post caps are used to prevent wood deterioration. Other colors are not permitted.
- (7) The fence does not exceed six (6) feet in height.
- (8) No door knob on fence gate; latch handle only.

d. Backyard patios and decks. Patios and non-elevated decks are generally approved if:

- (1) They pose no drainage problems for the lot or the lots of surrounding neighbors.
- (2) The materials to be used are designed specifically for use in patios and decks.

e. Front or side yard landscaping. Other than for landscaping preapproved in this document, the lot owner must obtain prior approval from the AECC for landscaping plans. Example 1: The lot owner must obtain prior approval for any significant use of rocks, gravel, brick, slate, lumber, and other such materials. Example 2: The lot owner must obtain prior approval before making any major changes in the slope or elevation of your yard.

5. Prohibitions

a. Painting or staining fences and decks. Nobody may paint fences or decks. Nobody may stain fences or decks. Lot owners may only apply clear sealants or other clear waterproofing products to fences and decks. Stains that had been applied before August 31, 2021, may be retained until the fence or deck is replaced or otherwise in need of re-staining.

b. Wire fences. Chain link and other wire fencing is prohibited.

c. Fences at certain locations. No fence, wall, hedge, shrub or other similar feature or landscaping in excess of three (3) feet in height shall be constructed or maintained upon any lot which is located at the intersection of any two (2) streets upon the Property. No fence, wall, hedge, shrub or other landscaping or similar feature shall be constructed or maintained on those portions of Lot 112 and Lot 113 which front upon Hamilton Court and Ona Drive along the easement for sidewalks.

D. YARDS

d. Coverings of sidewalks or porches. Nobody may glue or fasten any type of carpeting or covering to sidewalks or porches on front or side of house.

e. Nonconforming railings. Nobody may install front step railings which do not conform to the black wrought iron designs visible throughout the Community.

f. Permanently affixed or mounted benches, chairs or other objects.

Nobody may permanently affix or mount benches, chairs, or other such objects anywhere other than inside the fenced-in backyard. Nobody may hang decorative objects from trees (unless part of an approved landscaping plan).

The only exceptions —

- (1) One free-standing flag stand per household, not to exceed five feet in height and/or one attached to the side of the house.
- (2) One flowerpot per porch.
- (3) Objects that are part of a landscaping plan approved by the A.E.C.C under section D4(e) of this regulation.

g. Above ground cables and pipes. Except for hoses and the like which are reasonably necessary in connection with normal lawn maintenance, no water pipe, sewer pipe, gas pipe, drainage pipe, television cable or similar transmission line shall be installed or maintained above the surface of the ground.

h. Interference with utilities or drainage. No structure, planting or other material shall be placed or permitted to remain upon any lot which may:

- (1) Damage or interfere with any easement for the installation or maintenance of utilities, or
- (2) Unreasonably change, obstruct or retard direction or flow of any drainage channels.

See also GENERAL PROHIBITIONS.

E. ELEVATED BACKYARD DECKS

1. Appearance Standards

- a. Nobody may hang laundry on any part of the deck/steps or support structure.
- b. No permanent or temporary structures of any kind (e.g., sheds, gazebos, treehouses, etc.) may be built, maintained or stored on the deck surface.
- c. Items such as tires, bicycles, lawn mowers, ladders, couches, etc., are not permitted on deck surface. The deck is meant for typical patio furniture, i.e., chairs, tables, umbrella, lounge.

2. Special Improvements

- a. **Elevated decks.** All elevated decks are Special Improvements and must be approved by the AECC prior to the start of work. In preparing an application for an elevated deck, the applicant must indicate intent to conform with the following standards.
 - (1) All applicable Fairfax County permits must be obtained, and the design and construction must comply with all terms of the permits and with any applicable sections of Fairfax County Code and other laws and regulations of the County, State, and Federal entities.
 - (2) Elevated decks and/or steps added only to the middle (second) level on the backside of a 3-level townhouse with a walkout basement. No deck/steps of any shape or size (including ground level decks) may be built to the side or front of any townhouse. Decks/steps shall not be permitted to wrap around the sides of end-unit townhouses.
 - (3) Only pressure-treated lumber or other materials allowed by Fairfax County Code and other laws and regulations of the County, may be used for the entire deck project. 6-inch by 6-inch or larger support posts must be used.
 - (4) Rust-resistant (e.g., galvanized) fastening hardware (nails, screws, bolts, joist hangers, etc.) shall be used on entire deck project.
 - (5) No part of the walking surface of the deck may extend more than 12 feet into the backyard from the rear of the house. All parts of the deck and support structure must be greater than 18 inches in from each side of the house (12 inches in the houses off Shannons Landing Way).
 - (6) Railings shall be constructed only of vertical spindles with a single horizontal capboard. Additional horizontal boards, diagonal boards, latticework, etc., are prohibited. The top of the railing shall not be higher than 48 inches from the walking surface of the deck.
 - (7) If steps are part of the deck plan, bottom step must be at least 8 feet from the rear property line. No part of the steps may extend outside the fenced-in backyard. The step supports must have concrete footings per the building code. The step banister supports (railing) must be vertical pickets and shall be harmonious with the deck railing.

E. ELEVATED BACKYARD DECKS

- (8) All parts of the steps and supports must be constructed of the same type of materials of which the deck is constructed, using rust-resistant (e.g., galvanized) fastening hardware. Other than the fastening hardware, no metal of any kind is permitted in the construction of the steps and supports.

3. Prohibitions **See GENERAL PROHIBITIONS.**

F. APPLYING FOR IMPROVEMENTS

Process

1. The owner must submit an Application for Architectural/ Environmental Improvement by (a) handing the application in person to a member of the AECC or (b) via certified return receipt mail to the Management Agent (see Appendix I for a blank form.) No other means of submittal is acceptable. For instance, lot owners may NOT submit an application by attaching it to the door of an AECC member.
2. The AECC will mark the application with the date of receipt. The AECC must act on the application within sixty (60) calendar days of receipt of the application. Otherwise, approval is automatic and the application will be deemed to be in full compliance with the Declaration.
3. The AECC Chairman will determine whether the owner is in violation of these regulations. If there is an outstanding violation, the AECC Chairman may reject the application without further consideration.
4. The Chairman of the AECC will determine a date and time for the evaluation, and notify each AECC member accordingly. A quorum of the AECC must participate in the evaluation process. If an application involving an immediate neighbor of an AECC member is being evaluated, that member may participate in the evaluation but will not be entitled to a deciding vote (to eliminate any conflict of interest).
5. The AECC Chairman will provide written notification to the owner of actions taken by the AECC, which may include one of the following.
 - (a) APPROVAL. If approved, the AECC will deposit the application (including all plans and specifications), among its records and provide the owner with a copy of the application indicating approval. Approval of any particular plans and specifications or design shall not be construed as a waiver of the right of the AECC to disapprove such plans and specifications, or any elements or features of those plans and specifications, in reviewing other applications from Association members.
 - (b) DISAPPROVAL: The applicant may appeal the decision to the Board of Directors, as provided in the Declaration, Article VII, § 6.
6. The owner must commence work within six months following the date upon which the same are approved by the AECC. The work must be substantially completed within twelve months following the date of commencement, or within such other period as the Committee shall specify in its approval. If work does not begin within that period, then (i) approval of the plans and specifications by the Committee shall be conclusively deemed to have lapsed and (ii) the owner will have to submit a new application and obtain AECC approval prior to any work being done.
7. If, during construction, the owner wishes to deviate from the approved plans and specifications, the owner must first obtain prior consent in writing from the AECC.

F. APPLYING FOR IMPROVEMENTS

8. After the improvement project is completed, the AECC will inspect the improvement. This:

- (a) Ensures that the improvement conforms to (i) the plans, specifications, and other commitments forwarded in or with the application and (ii) any applicable provision of these regulations.
- (b) Provides the community with information on problems and “lessons learned” associated with the improvement which can help other homeowners with similar improvements in the future.

9. Upon the completion of the work, the owner may request a certificate of compliance from the AECC which shall be prima facie evidence that such construction, alteration or other improvements referenced in such certificate have been approved by the AECC and constructed or installed in full compliance with the provisions of this Article and with such other provisions and requirements of the Declaration as may be applicable.

Approval Criteria

The AECC bases decision on criteria in the Architectural/Environmental Improvement Evaluation Form (Appendix II).

Fees

After providing prior notice to the applicant, the AECC may charge and collect a reasonable fee for examination of any plans and specifications (e.g., to reimburse a professional consultant for evaluation services) submitted for approval pursuant to the provisions of this Article.

Appeals

AECC decisions are final, except that any lot owner who is aggrieved by any action or forbearance from action by the Committee (or by any regulations, standards or guidelines of the Committee) may appeal an AECC decision to the Board of Directors and, upon the request of such lot owner, shall be entitled to a hearing before the Board of Directors of the Association.

AECC Members; Prohibition on Solicitations

Members of the AECC may not solicit work to repair any violations identified during the inspection process. Moreover, AECC members may not advertise on Association websites, newsletters, or on the bulletin board to provide such services.

G. INSPECTIONS AND DUE PROCESS

Authority to Inspect: Article VII, §11 of the Declaration

The Declaration establishes the right of the Association, “through its agents, employees or committees, to enter upon and inspect any lot at any reasonable time for the purpose of ascertaining whether any violation of the provisions of this Article or any of the other provisions or requirements of this Declaration, exist on such lot; and neither the Association nor any such agent or employee shall be deemed to have committed a trespass or other wrongful act by reason of such entry or inspection.”

Inspections

Agents of the Association (including members of the AECC members of the Board of Directors, and the Management Agent employed by the Board of Directors) may enter upon and inspect any lot at any time and document the results of the inspection.

Due Process

The Board by Resolution has established “Procedures Relative to Due Process” for resolving all complaints with respect to violations of Governing Documents, including the AER. The following is the procedure as it applies to alleged violations of the AER.

1. The Management Agent or AECC will issue a “Notice of Alleged Violation(s)” (Notice) specifying in writing any violations found during the inspections. The Notice specifies the date by which the violation(s) must be rectified. If you receive a Notice, you must pursue one of three options:
 - (a) Correct the alleged violation(s) by on or before the date specified in the Notice.
 - (b) If you wish to request additional time to correct one or more of the alleged violations, forward your request to the Management Agent, specifying your plans to correct the violation(s) and the requested completion date. The Management Agent will ask the AECC to rule on your request and will convey that ruling to you in writing.
 - (c) If you contend that the policy in question either has not been violated or should not be enforced in this instance, forward your contention in writing to the AECC via the Management Agent. If the AECC agrees that no violation exists, it will rescind the notice of violation in writing. Otherwise you must correct the violation as provided in paragraph (a) or (b) above or appeal the AECC decision to the Board of Directors.
2. After the date or dates specified in the notice or the completion date accepted by the AECC per section G1(b), Agents of the Association will inspect your lot to determine if the violations at issue have been corrected.
3. The AECC next informs the Board of Directors of any and all outstanding alleged violations. The Board of Directors then schedules hearings on the outstanding violations and serves a Notice of Hearing on all parties at least fourteen days prior to the hearing by hand-delivery or registered or certified mail, return receipt requested. The Notice of Hearing is sent to the parties at the address appearing on the books of the Association.

G. INSPECTIONS

4. The Board conducts the hearings with the responsible lot owners at closed sessions. The purpose of the hearing is to establish that there is or is not a violation as of the date of this Hearing.
5. Following the hearing, the Board may convene in executive session to deliberate and shall determine whether it has received satisfactory proof of the alleged violation, and if satisfactory proof has been presented, determine the appropriate action to be taken against the lot owner to prompt correction of the violation and compliance with the AER. All decisions shall be made by a majority vote.
6. A Notice of Hearing Result shall be mailed or hand-delivered to the Respondent summarizing any decision made by the Board within seven days of the hearing.

H. SANCTIONS

1. Disciplinary Actions

a. **Suspension of access to common areas.** The Board may suspend parking privileges in designated sections of the common area and/or access to the pool and clubhouse in accordance with the Declaration and Section 55-513.B of the Act. Such suspension shall be for a period not to exceed sixty days from the date of the Hearing.

b. **Other Sanctions.** Other sanctions the Board may consider include, but are not limited to,

(i) Undertaking the “Self-Help Remedies” authorized by the Declaration, which allow the Board, through its agents and employees, to enter upon any lot and take such steps as may be necessary to correct any violation of the AER.

(ii) Filing legal action for damages or injunctive relief in General District Court or Circuit Court.

(iii) Referring the matter to appropriate County or government authorities.

2. Suspending Parking Privileges¹

In those circumstances in which the Board determines it to be in the best interest of the Association for the Board to suspend parking privileges, pursuant to Article IV, Section 1(d) of the Declaration, the following procedures shall be followed after the hearing:

a. **Notice of Intent to Suspend Parking Privileges.** If the Respondent fails to correct the violation within seven days of the date of the Notice of Hearing Result, then the Board, or its designee, shall give at least fourteen days’ notice of its intent to suspend parking privileges.

b. **Delivery of Notice.** The Notice of Intent to Suspend Parking Privileges shall be hand delivered, posted at the front door of the residence on the lot and sent by first-class mail, postage prepaid, to the lot address or such other member’s address on file with the Association

3. Initiating Self-Help

In those circumstances in which the Board determines it to be in the best interest of the Association for the Board to initiate self-help remedies, whether after a hearing before the Board or after Court Order², pursuant to Article VII, Section 11 of the Declaration, the following procedures apply after the Hearing:

a. “Notice of Intent to Engage in Self-Help”: If the Respondent fails to correct the violation within seven days of the date of the Notice of Hearing Result, then the Board, or its designee, shall give at least fourteen days’ notice of its intent to enter the lot to correct the violation, and to charge all costs of self-help and correcting the violation to the lot owner.

¹ Not applicable to owners of lots in Shannons Landing.

² Circumstances may dictate that the Board first seek an order of abatement from the General District Court or Circuit Court to take self-help action.

H. SANCTIONS

- b. The “Notice of Intent to Engage in Self-Help” shall be hand delivered, posted at the front door of the residence on the lot and sent by first-class mail, postage prepaid, to the lot address or such other lot owner’s address on file with the Association.
- c. The Board shall hire a contractor to correct the violations and record all costs necessary to correct the violations.
- d. A “Statement Of Amount Of Costs For Correcting The Violation” shall be rendered to the lot owner, at which time the assessment shall become due and payable and a continuing lien upon the lot, and a binding personal obligation of the owner of such lot.

H. SANCTIONS

APPENDIX I

APPLICATION FOR ARCHITECTURAL/ ENVIRONMENTAL IMPROVEMENT

Instructions:

Please submit in duplicate. Attach copies of sketches, specifications, brochures, pictures, etc., that are necessary or helpful in explaining your proposed improvement. Also, please note location, lot lines, dimensions, grade changes, etc., and relationship to neighboring houses, if applicable. Be as specific as possible. If more space is required, use a separate sheet of paper.

DESCRIPTION OF IMPROVEMENT:

MATERIALS TO BE USED:

LOCATION OF IMPROVEMENT: (front, back, side, area covered, etc.)

COLOR OF MATERIALS:

GENERAL INFO: (depth of holes to be dug, height of shed, etc.)

ESTIMATED START/COMPLETION DATES:

Homeowner _____ (please print)

Address _____

Telephone _____

“I understand that all exterior property modifications must be in accord with the Declaration and By-laws of Newberry Station, as well as the AECC and Fairfax County regulations. I also understand that the AECC will evaluate this application on the basis of design, materials to be used, color, quality of workmanship, planning, and the harmony of the project with the Community as whole. Finally, I am aware that the AECC may inspect the work after the project is completed.”

Signature of Homeowner: _____

APPENDIX II

ARCHITECTURAL/ENVIRONMENTAL IMPROVEMENT EVALUATION FORM

Name of Requesting Homeowner: _____

Address of Requesting Homeowner: _____

Date Submitted: _____ Decision Notice Due By: _____

Name of AECC Member: _____

AECC Member Final Decision: Approve _____ Disapprove _____

REVIEW CRITERIA

1. Is there an outstanding AECC violation?
2. Design/explanation of what will be undertaken:
 - (a) Is it clear?
 - (b) Does it conform with accepted safety standards?
 - (c) Does it in any way restrict other owners from right of enjoyment or easement to common areas?
 - (d) Are more exact drawings/specifications required by our Declaration, By-laws, or by Fairfax County?
 - (e) Is the proposed improvement not prohibited by the Declaration and the Newberry Station Architectural and Environmental regulations?
 - (f) Does the proposed improvement conform to the appearance standards established by the Newberry Station Architectural and Environmental regulations?
3. Materials to be used:
 - (a) What specific types of materials will be used?
 - (b) Do these materials require treatment before use? Are they treated before purchase?
 - (c) Are these materials compatible with materials used throughout the Community?
 - (d) Do the materials meet safety standards?
4. Color:
 - (a) Are the colors of the proposed materials in harmony with the present scheme in the Community?
 - (b) Will the colors cause the improvement to appear out-of-place?
5. Quality of workmanship:
 - (a) Does the project require special workmanship restrictions (e.g., special foundation, bolting, sanding, cementing, grading, etc.)?
 - (b) Does the estimated completion date allow sufficient time?
6. HARMONY OF PROJECT WITH COMMUNITY AS A WHOLE: Does it in any way represent a break from Community appearance or design standards?

APPENDIX III

NEWBERRY STATION HOMEOWNERS ASSOCIATION

NOTICE OF HEARING

Date _____

(Lot Owner) _____

Dear (Owner/ Resident):

Pursuant to the Due Process Resolution of Newberry Station Homeowners Association, this is to serve as notification that according to information provided to the Association, you may be in violation of _____.

Notice of this Violation was previously provided to you by letter dated _____, 20___. A copy of the letter is enclosed for your reference. The specific allegations are also set forth in the enclosed Complaint.

A hearing will be held before the Board of Directors at _____ on _____, 20___, at ___ .m., for the purpose of determining whether there is a violation. You may be present at the hearing and may, but need not, be represented by counsel. You may present any relevant information in response to the Complaint. You will be given the opportunity to examine any witnesses you wish to present and cross-examine all witnesses presented by the Association.

Please confirm your attendance by calling the Management Agent at _____ or if you have a reason why you cannot attend the hearing on the scheduled date, so that an alternative date may be scheduled. If no response is received from you, or if you confirm attendance but fail to attend without providing a satisfactory explanation, you will be deemed to have waived the right to the hearing and the hearing will proceed in your absence.

If the Board determines you are in violation after a hearing, the Board may suspend your voting rights, right to use Association recreational facilities, and parking privileges for a period of thirty days for violations of the governing documents or Architectural and Environmental Regulations. The Board may also assess expenses incurred in resolving the violation and pursuing legal action as the Board determines appropriate.

If you have questions or wish to communicate with the Board of Directors regarding this matter, please call the Management Agent at _____. Thank you for cooperation.

For the Board of Directors,

Management Agent

cc: Lot Owner File

