

# **WOODBURY COMMONS HOMEOWNERS ASSOCIATION**

## **RULES AND REGULATIONS**

**(As revised through November 2016)**



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## PREAMBLE TO THE WCHOA RULES AND REGULATIONS

The Rules and Regulations of the Woodbury Commons Homeowners Association have one primary purpose: TO ALLOW HOMEOWNERS THE FULL USE AND ENJOYMENT OF THEIR HOMES AND FACILITIES WITHOUT VIOLATING THE RIGHTS AND PRIVILEGES OF OTHER HOMEOWNERS.

**Members' Responsibility** - To adhere to the rules and regulations contained herein AND TO INSURE THAT AN UPDATED COPY OF THESE RULES AND REGULATIONS ARE MADE AVAILABLE TO ANY BUYER, whether a private or a broker sale.

### Rules and Regulations

These rules and regulations have been formulated based upon the following criteria which are to be used when a review or addition is planned. Strict adherence to these criteria should protect against the inclusion of nonsensical or trivial rules and regulations.

- To insure property values are not degraded,
- To reduce the impact on operating and maintenance costs,
- To promote the safety of the association's members,
- To insure the rules or regulations are enforceable, and
- To limit the number of Requests for Approval. Superfluous rules and regulations invite exceptions.

All Requests for Approval with respect to these rules and regulations are to be submitted in writing to the Board of Directors with sound rationale as to why the Request for Approval should be granted. (See Rule 1). A written response of acceptance or denial will be mailed to you within 30 days following the board meeting at which the Request for Approval has been reviewed.

Likewise any complaints by homeowners should also be addressed in writing as noted above. Individual board members are not condo cops. A written response by the Board will be sent with any remedial action required within 30 days following the board meeting at which the Request for Approval has been reviewed.

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## I. Exterior Appearance and Upkeep

### Rule 1 Requests for Approval ("RFA") and Service Requests

As mandated by Article VIII of the Declaration of Covenants, all exterior changes to the building and grounds require prior Board approval of a Request for Approval ("RFA"). RFAs should be submitted to the management company as far in advance of an upcoming Board meeting as possible, to allow sufficient time for any necessary notice to neighbors as provided below.

Possession of any required town permit does not waive the need for Board approval. Although the Board will not knowingly approve a project that is in violation of town, county or zoning codes, the responsibility for compliance with any applicable codes are solely that of the homeowner.

Upon receipt of an RFA, the Board or the Property Manager will determine whether the RFA is such that neighbors of the applicant homeowner should receive notice of the RFA. If the Board or Property Manager determines that notice is necessary, they will notify all appropriate neighbors. This will include, at a minimum, all neighbors in the same building as the applicant and any immediately adjoining neighbors in another building, whether located beside or behind the applicant's unit. Notice will be given in writing

by the most practicable means (such as email, letter or postcard) and within a reasonable time in advance of the board meeting at which the RFA will be considered.

Neighbors who may feel that they will be adversely affected by the approval of an RFA may comment upon or oppose the RFA, but do not have veto authority with respect to an RFA. The approval or denial of an RFA rests in the sole discretion of the Board, consistent with the Declaration of Covenants and these Rules and Regulations.

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**Rule 2            Typical Requests for Approval**

<b>Approval Required</b>	<b>Permits Required</b>	<b>Standard/Model Required</b>	<b>Special Concerns</b>
Antennas & Satellite Dishes			See Rule 3. Roof penetration damage is the responsibility of the homeowner.
Deck Awnings			See Rule 4.
Gas Fireplaces, Heaters and other Gas Appliances			See Rule 10.
Deck Enclosures and changes	Town Permit		See Rule 6.
Garage Door Replacements			See Rule 17. Painting of the door is the Association's responsibility.
Front Door Replacements			See Rule 17.
Patios			

When the Board of Directors becomes aware of any infraction of the Rules and Regulations, the Property Manager will notify the homeowner. If the homeowner fails to correct the infraction and action by the Association is deemed necessary, the board will hire a contractor to remove the infraction at the homeowner's cost. A reasonable fine may be levied by the Association.

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**Rule 3            Antennas and Satellite Dishes**

If at all possible, antennas and satellite dishes should be mounted on the rear roofs. Existing homeowners, or any successor homeowners, are responsible for removing any unused antennas or satellite dishes on their own unit. Any roof damage is the responsibility of the homeowner to repair. Installation must meet Town of Perinton Codes.

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**Rule 4            Awnings**

Awnings may be installed after Board approval of an RFA. Awnings must be retractable. Awnings may not be installed on any roof nor may any awning installation unreasonably impede air flow through soffit vents. The homeowner is responsible for any damage caused by an awning or its installation. Installation must meet Town of Perinton Codes.

## **Rule 5           Decorations**

Holiday decorations may be displayed provided they are removed within three (3) weeks of the holiday.

Permanent accessories, name plates and initial insignia may be attached only to the surface of the homes under the roof of the front door stoop area.

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## **Rule 6           Deck and Under-deck**

The homeowner is responsible for staining, sealing, repair, replacement or maintenance of the wood decks, porches, structures, deck railings, under deck and enclosures. The Association is responsible for seeing that all homeowners maintain their rear decks and porches. To prevent deterioration, staining should be done on the same rotation as the buildings.

Use of decks or under-decks for storage is not permitted unless visually shielded in accordance with an approved RFA. The approved structure must blend with the architecture or approved plantings in accordance with an approved Request for Approval. Color of the deck should match the stain of the unit. Current decks that do not match are grandfathered until new stain is needed.

Stone or other material as a ground cover under the deck is the responsibility of the homeowner along with weed control. Decks and Under-decks must meet Town of Perinton Codes, unless grandfathered.

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## **Rule 7           Exterior Lighting**

Replacements and changes to exterior lighting require an approved RFA. The homeowner shall select and bear the cost of replacement light fixtures, which shall be of the same or similar design and color as the existing fixtures. The electrical installation, for safety and insurance purposes, is the responsibility of the Association which will also bear the installation costs. Following approval of the RFA, please contact the management company to arrange installation.

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## **Rule 8           Flags, Wind Chimes and Bells**

The installation of one attached flag pole per unit is allowed for the display of the American flag or one decorative flag. Poles may be attached to the wood framing of the garage or wooden porch post. Wind chimes and bells are not to be installed outside units.

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## **Rule 9           Garage/Estate Sales**

No individual garage sales are allowed. From time to time, the Association may hold a community sale with the approval of two-thirds (2/3) of the homeowners. Estate sales may be held only with prior Board approval of an RFA so that provisions can be made to ensure adequate security, parking control and appropriate day(s)/hours for the sale.

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**Rule 10 Gas Fireplaces, Heaters and Other Gas Appliances**

A gas detector is required for the specific type of gas to be used (Propane is heavier than air and Natural gas is lighter than air). Additionally, an Oxygen depletion sensor, a Carbon Monoxide sensor and a monitored fire alarm system are strongly suggested for your life and safety considerations. Any exterior fuel tanks must be limited to 100 pounds (23.6 gallons @ 80% full, approximately 14" in diameter by 60" high) and placed on the side or rear of unit, shielded from street and neighbors' view by evergreen plantings and/or decorative screening painted/stained like the main structure of the units. The tanks must also be tethered by metallic chain to a support structure to prevent tipping or falling. Installation must meet Town of Perinton Code.

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**Rule 11 Outdoor Drying or Airing**

Outdoor drying or airing of any clothing, bedding or carpets on deck rails, under decks or in yards is not permitted. Installation of exterior clothesline is prohibited.

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**Rule 12 Pets**

Homeowners may have either two dogs, or two cats, or one of each. All pets must be restrained at all times. No pet may be left unattended. Residents and their guests must promptly clean up after their animals. No RFAs are permitted to alter these restrictions.

Homeowners may report infractions to the Board, the management company, and if serious, to the Perinton Animal Control.

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**Rule 13 Signs**

Only one "For Sale" sign, conforming to the Town of Perinton regulations, is allowed on the property. The sign may be placed in a front window, front door or garage window. The sign may also be mounted on a post and placed in the front yard, with care taken not to sever cable, water or electrical lines. Any damage caused by sign placement must be remedied by the homeowner.

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**Rule 14 Staining Schedule**

Each cluster of units comprising one building is scheduled for routine staining on a five-year rotating basis with caulking during painting. See Appendix A for schedule.

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**Rule 15 Trash Collection**

Refuse and recycling items will be collected weekly from each homeowner's driveway entrance where they will not interfere with lawn mowing, snow removal or the U.S. Postal Service. Trash containers

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are to be kept in your garage until the day before collection. Contact a neighbor if you will be away and need to have your trash collected. Recycling bins and refuse containers must be secured to discourage animals and blowing papers.

No lumber, metal, bulk materials, rubbish, refuse, garbage, or other waste materials shall be kept, stored or allowed to accumulate outdoors on any portion of the property. Homeowners may call the Property Manager to request special pick up of bulk refuse. Charges due to special pickups, if any, will be the homeowner's responsibility. Any appliance with refrigerants must be placed at the entrance to Woodbury Commons on the side that our sign is located. Do not put trash at the entrance to Woodbury Commons.

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### **Rule 16      Trespassing**

Over the years we have experienced trespassing and loitering by school children. Any homeowner who witnesses the presence of persons not associated with the complex is encouraged to-call 911.

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### **Rule 17      Window and Door Replacement**

When windows, doors (including garage doors) or storm doors need to be replaced, the homeowner should make sure that the replacements are as close as possible in design and color to the item being replaced. An RFA is required that includes a picture of the replacement. Installation should not be undertaken and completed until the RFA is approved by the Board.

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## **II.      Safety and Comfort**

### **Rule 18      Vents**

Properly vented dryers and all other vents except the exterior soffit vents are the responsibility of individual homeowners. If premature roofing or other structural failure occurs because of improper venting, the repair will be the responsibility of the homeowner. All new exterior vent installations or changes in existing vent installations require an approved RFA, and must meet the current Town of Perinton Code.

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### **Rule 19      Heat Tapes/Wires**

All installations of heat tapes and wires require an approved RFA. For safety reasons, no heat tapes or wires may be installed on roofs for any purpose. Heat tapes may be installed in metal gutters and downspouts. Installation must meet Town of Perinton Codes.

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### **Rule 20      Home Business**

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The Woodbury Commons Declaration of Covenants specifies that "No commercial or business activities shall be permitted upon the Properties." (Article IX). However, incidental "work from or at home" activities are permitted if such activities do not infringe on the character of the neighborhood with signs, increased traffic, parking problems, noise or employees. "Customary Home Occupations" as defined by § 208-8(B) of the Town of Perinton Zoning Code (<http://ecode360.com/6741149>), which could be permitted elsewhere in Perinton by special permit from the Town of Perinton Zoning Board of Appeals after a public hearing, are NOT permitted within Woodbury Commons.

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## **Rule 21      Inspections**

Twice a year, the Property Manager and Board Members make exterior inspections for the purpose of maintenance and upkeep. Any infraction will be noted in writing to the homeowner via certified mail.

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## **Rule 22      Noise and Odors**

Excessive noise, as well as cooking and barbecue odors can be transmitted. Please be respectful of neighbors.

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## **Rule 23      Oversized, Commercial and Unlicensed Vehicles**

Commercial vehicles, other than those vehicles making deliveries or providing services to the Units in the development, may not be stored or parked on any portion of the properties, except entirely within an enclosed garage. Residents with commercial vans, pick-up trucks, and unlicensed vehicles must keep them within the enclosed garage.

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## **Rule 24      Parking**

Each townhouse within Woodbury Commons is designed to have a minimum of four in-garage and driveway parking spaces for use by residents and their guests. When multiple cars are at a residence, two cars should always be garaged with the remainder in the driveway only, never on the street, as it presents a safety hazard.

On street parking is permitted on special occasions such as large parties. To prevent possible hazardous traffic conditions, party guests should be instructed to park on one side of the street only.

Access to mailboxes must never be blocked by parked cars during normal delivery hours.

Parking on lawns is prohibited.

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## **Rule 25      Recreational Vehicles and Boats**

No boating vessel, trailer or recreational vehicle may be parked or left on the Properties for more than twenty-four (24) hours except entirely within an enclosed garage.

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**Rule 26      Snow Plowing**

Plowing is done on a contractual basis and performed per the current contract when the snow depth reaches three inches or more, as required by Section 14 of the Responsibility Matrix, which is Exhibit 1 appended to the Declaration of Covenants in section 14. If any vehicle is parked on a driveway, plowing of that driveway will not be done due to contractors' liability for vehicle damage caused by such plowing.

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**Rule 27      Soliciting**

Soliciting is discouraged. Homeowners may politely ask solicitors to leave.

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**Rule 28      Speed Limits**

Our roadway is used by residents and children who play outside. Because the road has several blind spots, a speed of 15 MPH is posted.

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**Rule 29      Water Valves**

It is important in an emergency to know where the main water turn-off valve for your unit is located, along with your own individual valve. The following homes have the building valve located in their basements: 1, 2, 9, 14, 16, 21, 22, 34, 40, 42, 52, 60.

If you are an owner of one of these units, please arrange for emergency access (if needed) during your periods of absence.

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### **III.            Grounds**

**Rule 30      General Planting Regulations**

Harmony of the landscape is a priority and adds to the attractiveness of the community.

Front gardens may be supplemented with FLOWERS only. Existing beds may not be enlarged or extended, and Association plantings may not be removed. Flowers must not exceed the height of existing professional plantings. All Association property, including plantings, will be reviewed each year for compliance to Woodbury Commons' standards and regulations.

Homeowners are responsible for care of annuals they add. This includes: trimming as needed, removal of dead blossoms as needed, and removal of annuals from the ground after a killing frost. If the homeowner does not meet this responsibility, the Board will remove the extra plants at the homeowner's expense.

Plantings around the base of trees are prohibited. Installation of trellises or support items must be approved through an RFA, in order to ensure that building maintenance and lawn care concerns are observed in the placement and maintenance of any approved trellis or support item. Installation in the front or sides of the units is discouraged.

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**Rule 31      Birdhouses, Bird Baths and Feeders**

Free standing bird houses or wildlife feeders mounted on poles or suspended from trees must be approved by the Board of Directors and are allowed in rear yards only. All clean up related to the houses and feeders are the sole responsibility of the homeowner.

Bird baths attract mosquitoes and rodents and are prohibited.

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**Rule 32      Hose Storage**

Front yard hoses must be stored in the garage when not in use.

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**Rule 33      Insect and Pest Control**

The Homeowners Association is responsible for the removal of pests such as voles, carpenter ants and carpenter bees which attack grounds or structures. The Homeowners Association will remove any undomesticated animal which destructively (thru boring, digging or gnawing) enters a unit or its walls.

The Association is also responsible for the removal of threatening insects such as hornets and wasps, in accordance with section 14 of the Responsibility Matrix appended to the Declaration of Covenants.

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**Rule 34      Planting in Rear and Side Yards**

All new planting beds in rear and side yards, and all new plantings of bushes, shrubs and trees must be presented by the homeowner in an RFA and approved by the Board of Directors. Annuals and perennials in rear and side yards may be planted and replaced without Board approval, consistent with the general planting regulations in Rule 29. Such plantings are the responsibility of the homeowner. Yards may not be closed off by plantings, and nothing may be permitted to grow on or be attached to the house.

New trees installed by homeowners will be sprayed and maintained by the Association and become Association property when planted.

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**Rule 35      Potted Plants in Gardens, Front Porches, Steps and Hanging Plants**

Potted plants and flowers in front and side gardens are allowed. The location must be such that they do not pose a tripping hazard.

Hanging plants may be suspended from the underside of the front entry area. Please remove hanging plants and free standing pots by November 1.

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**Rule 36      Protective Screening and Fences**

No fence, wall, or screen planting of any kind shall be planted, installed or erected upon property or other portions of the exterior of the unit unless an RFA is approved.

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**Rule 37      Pruning, Mulching, Spraying and Fertilizing**

All Woodbury Commons Association owned trees, shrubs and bushes will be pruned, mulched, sprayed and fertilized by an appointed contractor.

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**Rule 38      Statuary Items, Figurines, Artifacts and Decorative Décor**

Artifacts of any type are not allowed in any front garden or within front yard areas.

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**Rule 39      Removal of Landscape Debris**

Because the Town of Perinton does not enter our private road for pick up of landscape debris, any debris must be put on Association Property ONLY at Hulburt Road (on the side where our sign is located). No debris in plastic bags will be picked up. It must be piled neatly. Bagged debris will be picked up by the trash contractor at your driveway entrance on pick up days.

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**Rule 40      Shrub Replacement**

Dead shrubs will be replaced as needed.

Homeowners are responsible for their pets' damage to shrubs and lawns.

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**Rule 41      Watering Regulations**

Just as interior plantings in our homes need watering, so do the exterior plantings. Each homeowner needs to water exterior plantings on a regular basis. If death of the plantings occurs from lack of water, the replacement will be at the expense of the homeowners who failed to adequately water. It is advisable to water before 9AM and between 5PM and 7PM.

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## APPENDIX A

### Staining Schedule

Each cluster of units comprising one building is scheduled for routine staining on a five-year rotating basis with caulking during painting.

#### **Years of Caulking and Staining**

1, 3, 5, 7	2021, 2026, 2031
2, 4, 6	2019, 2024, 2029, 2034
8, 10, 12, 14	2018, 2023, 2028, 2033
9, 11, 15	2017, 2022, 2027, 2032
16, 18, 20	2018, 2023, 2028, 2033
17, 19, 21	2021, 2026, 2031
22, 24, 26, 28	2020, 2025, 2030, 2035
30, 32, 34	2019, 2024, 2029, 2034
36, 38, 40	2017, 2022, 2027, 2033
42, 44, 46	2017, 2022, 2027, 2032
48, 50, 52	2019, 2024, 2029, 2034
56, 58, 60	2020, 2025, 2030, 2035