

NEWINGTON FOREST COMMUNITY ASSOCIATION, INC.

ADMINISTRATIVE RESOLUTION NO. 4

ARCHITECTURAL REVIEW COMMITTEE CHARTER
AND REVIEW PROCEDURES
(10/19/20)

WHEREAS, Article IV, Section 4.01, of the Bylaws grants the Board of Directors all the powers necessary for the administration of the affairs of the Association in accordance with applicable law and the Governing Documents, except for those matters which the applicable law or the Governing Documents require to be exercised and done by the Association's membership; and

WHEREAS, Article V of the Declaration provides that a Covenants Committee (hereafter referred to as the Architectural Review Committee or ARC) shall be appointed by the Board of Directors; and

WHEREAS, Article V, Section 5.01, of the Declaration further provides that the Association's Architectural Review Committee shall be comprised of at least three members and not more than seven members of the Association; and

WHEREAS, the Board of Directors has found it periodically difficult to find members of the Association who are familiar with and willing to volunteer their time to serve on the Association's Architectural Review Committee; and

WHEREAS, in an effort to increase the efficiency of the architectural review process, the Association's Staff shall perform preliminary review and approval functions for those applications for exterior modifications that are recommended by the Architectural Review Committee and accepted by the Board of Directors to be routine and that conform to the design criteria adopted by the Board of Directors.

NOW, THEREFORE, BE IT RESOLVED THAT the Architectural Review Committee shall be established and that the following procedures for this committee shall be adopted and implemented and shall supersede and replace all previously-adopted administrative resolutions pertaining to the Architectural Review Committee:

A. RESPONSIBILITIES

The primary responsibility of the Architectural Review Committee (ARC) is to advise the Board of Directors, in a reasonable and productive manner, on issues affecting exterior lot alterations. In accomplishing this goal, the Board of Directors may assign the ARC with tasks from time to time that may include, but are not limited to:

- Review/update, with Board approval, NFCA standards for exterior changes to properties.
- Review and approve, or deny, applications for exterior modifications.

B. ELIGIBILITY

Committee members shall be property owners in good standing. Good standing shall be defined as the absence of any active/unresolved liens, privilege suspension, assessment delinquency, architectural or covenants violations, or pending legal action with the NFCA.

Members of the ARC may not serve on any other NFCA committee. There shall not be more than one member of a household serving on the ARC at the same time.

C. APPOINTMENT AND TERMS

The ARC shall be comprised of at least three members, but no more than seven members, appointed by the Board of Directors.

The Board of Directors shall be responsible for the recruitment of candidates that meet the eligibility requirements set forth in this resolution. The Chairperson may provide the Board with candidates. The Board of Directors will strive to ensure that members from varying house types and locations within the NFCA are represented on the ARC.

The Board of Directors will make committee appointments each year during a meeting held in the month of May. In the event the Board does not appoint new members, the existing members shall serve until new appointments are made by the Board. The Board of Directors may make additional appointments throughout the year if vacancies occur.

Committee members are appointed for one year terms. However, members appointed to fill vacancies that occur during the year shall serve out the remainder of the term of the committee member they are replacing.

Committee members will be provided a copy of the Book of Resolutions at the time of their appointment and will be given updated copies of this book if they serve more than one year.

D. REMOVAL

The Board of Directors may remove any committee member, including the Chairperson, at any time without notice or explanation.

The ARC may make recommendations to the Board of Directors regarding the removal of committee members.

A committee member may also be removed, upon written notice from the committee Chairperson, for failure to attend three consecutive committee meetings without notice or explanation.

E. ELECTION OF OFFICERS

The Board shall appoint the Chairperson of the committee. The ARC shall make and keep minutes of its proceedings. The ARC may record meetings and retain these recordings. Minutes shall include a record of the date, time, and place of each meeting. Minutes shall also include a record of committee member attendance and all votes (whether pro or con but only when there is division) of the committee on applications for exterior modifications. The committee may elect a Vice Chairperson to act as Chairperson in the event the Chairperson is not available for a regularly scheduled meeting.

The Chairperson, Vice Chairperson, or his or her designee, shall be responsible for chairing meetings of the committee.

F. MEETINGS

The Committee shall meet at least once per month unless no pending applications or other business requires meeting. Committee meetings shall be held in the Association's Community Center. All committee meetings shall be open to the membership. However, the committee may convene in an executive session.

In the event that the committee votes to enter executive session, a member shall keep a record of minutes for the duration of the executive session. The minutes of the committee's meeting shall reflect: (a) the reason for the motion to convene in executive session, (b) the time that the motion to enter executive session was approved, and (c) the time that the executive session was concluded. This information shall be included in the regular minutes prepared by the Committee. If the Committee minutes only consist of the approved and denied applications, a separate document (sheet of paper) only listing the above information with the name of the Committee and date is sufficient to fulfill this requirement.

All decisions of the Committee shall be made in open session and shall be reflected in the minutes of the committee meeting. NFCA Staff shall also record the proceedings of each public meeting and retain the electronic record for a minimum of six (6) months.

In order for the membership to be reasonably informed of committee meetings, the committee Chairperson in coordination with NFCA Staff shall ensure that all meeting dates of the committee are listed in the Association newsletter and on the community website.

If it is necessary for the committee to reschedule or cancel a meeting, or to hold an additional (Special) meeting that is not on the regular schedule, the committee

Chairperson shall notify the Community Manager at the earliest possible time so that the membership can be reasonably notified. The Chairperson shall be responsible for contacting the members of the committee regarding rescheduled, cancelled or additional meetings. "Special" meetings or rescheduled meetings may be scheduled by the Chairperson upon two (2) business days posted notice (via both the NFCA's web/email system and a hard-copy placed on the Community Center's bulletin board) stating the reason for the meeting.

A quorum of the members of the committee must be present to convene a meeting and conduct formal voting procedures. A majority vote of members while a quorum is present shall constitute a decision of the committee. In the absence of a quorum at a scheduled meeting of the "regular" committee members, the Board's designated liaison may serve as an alternative member of the committee to establish quorum.

All committee meetings shall be conducted generally in accordance with Robert's Rules of Order.

COMMUNICATIONS

In the interest of ensuring strong communications between the Board of Directors and the ARC, it is expected that the committee Chairperson, or his or her designee, will attend one regularly-scheduled business meeting of the Board of Directors each quarter. The committee representative will present committee recommendations, update the Board on the status of pending committee tasks, request assistance from the Board, as needed, and answer any questions the Board may have regarding committee activities and assignments.

The committee Chairperson is expected to maintain regular communications with the designated Board liaison, and the liaison may provide the committee report for the Chairperson.

It is expected that the committee will communicate its activities to the membership periodically through the newsletter and other communication vehicles of the Association.

G. APPLICATION REVIEW PROCEDURES

In an effort to expedite the process of reviewing applications for exterior modifications, applications for those routine exterior modifications defined below may be reviewed and acted upon by the Association Staff without convening a meeting of the Architectural Review Committee provided that: (a) the applications comply in all respects with the criteria set forth in the Association's approved design standards and (b) any action taken on any application (i.e., that the application is approved or denied) is submitted in writing to the applicant within thirty (30) days of the date that the application was received by the Association. The goal for applications that can be reviewed and approved by the Association Staff is to act on them within seven (7) days. In lieu of denial, the Staff may send an application to the ARC for consideration.

For the purposes of this policy, applications for the following exterior lot modifications shall be considered routine and may be reviewed and acted upon by Association staff:

- Air conditioners
- Basketball hoops/standards
- Color changes of any sort (siding, paint or stain color)
- Dog pens
- Doors
- Fences
- Handrails
- Propane tanks (fireplace)
- Radon abatement systems
- Recreational vehicle parking
- Satellite dish installation
- Shutters
- Siding
- Signs
- Significantly damaged, dead or dying trees
- Windows and window screens/grids

All other applications for exterior modifications shall require the review and action of the ARC subject to the procedures set forth in this policy. In the event that there are inadequate volunteers to seat the ARC the Board may delegate to staff additional review functions.

If an application is denied, the Association Staff or ARC must specify in writing the reasons for such denial. The Owner/applicant may re-submit the application and request that the ARC reconsider its position. The applicant is encouraged to present any new and/or additional information which might serve to clarify the original request or better demonstrate its acceptability. The Owner shall be given up to five (5) minutes to present their filed ACR form. Any decision or determination of the ARC or Association Staff may be appealed by the applicant (Owner) to the Board of Directors.

The ARC shall only approve applications that meet the requirements of the Architectural Standards found in Administrative Resolution 1. The ARC shall only consider the written application that has been submitted, and no changes to an Architectural Change Request (ACR) form shall be made during the meeting by either the ARC or the applicant. In the event a change or changes are needed for the ARC to approve an ACR form, the Committee shall **deny** the application. The applicant (Owner) must submit a new ACR form for consideration at the next ARC meeting. If a revised filing falls into a category of items that the Staff can approve, Staff may act on the application after the new ACR form is received.

In the event an applicant is proposing an item that is not found in Administrative Resolution 1 or this resolution, and the authority to approve this item has not been delegated by the Board to the Association Staff, Staff should advise the Owner of this situation and the ACR form shall be submitted directly to the Board by Staff.

Association Staff must monitor the 30-day time limit for action on all submitted ACR forms and bring to the immediate attention of the Board any item that may exceed this time limit.

The Association Staff shall retain the original copy of all applications as part of the Association's official records. See Administrative Resolution 22 (Record Retention Policy) for the length of time these records must be retained.