

NEWINGTON FOREST COMMUNITY ASSOCIATION, INC.

POLICY RESOLUTION NO. 1

(Trees on Lots and the Common Area)  
(9/17/19)

WHEREAS, Article IV of the Declaration of Covenants, Conditions and Restrictions and Reservation of Easements (Declaration) places general restrictions on the use of Lots and improvement to be made thereon; and

WHEREAS, Article IV, Section 6.11 of the Declaration states that "No tree of a diameter of more than four inches, measured two feet above the ground level, lying without the approved building area, shall be removed without the express written authorization of the Covenants Committee"; and

WHEREAS, Article IV, Section 6.12 of the Declaration states that each Owner or Resident shall at all times keep his premises, buildings, improvements and appurtenances in a safe, clean, neat, and sanitary condition. Appropriate maintenance shall include, but not be limited to, the seeding, watering, and mowing of all lawns, and the pruning and cutting of all trees and shrubbery all in a manner and with such frequency as is consistent with good property management.

NOW, THEREFORE, BE IT RESOLVED THAT the following rules for the removal of trees on lots and common areas are adopted, including penalties for actions such as unauthorized tree removal:

**Townhouse Lots**

All trees on townhouse lots are considered to be lying within the approved building area and may be removed by the Owner without approval from the Association. Roots from medium and large trees planted in the front yards of townhouse lots can damage the Association's or lot Owner's sidewalk (or asphalt path) creating lifted sidewalk sections which become trip hazards. Owners shall be responsible for damages caused by tree roots to Association-owned property adjacent to their lot. Excessive shade from trees can also shade out vegetation, such as grass, and Owners shall be responsible for providing other ground cover or landscaping if their tree shade causes a lack of ground cover. Stumps of trees located in the lot's front or side yards of a townhouse must be removed or cut close to the ground (within 6 (six) inches) and hidden from view (e.g., covered with mulch when located within a flowerbed).

Owners shall not remove trees or other vegetation on the Association's common area (property) without the written approval of the Association.

## **Detached Single Family Lots**

All trees within the front yard of a detached single family home and all trees within 25 feet of the foundation on the sides and back yard of a detached single family home shall be considered to be lying within the approved building area and may be removed by the Owner without approval from the Association if they are located on their lot. All **other** trees on a detached single family lot with a diameter of 4 (four) inches or more, measured 2 (two) feet above the ground level, shall **not** be removed without the written approval of the Association.

Owners shall not remove trees or other vegetation on the Association's common area (property) without the written approval of the Association.

Stumps of trees located in the front yard of a detached single family unit must be removed or cut close to the ground (within 6 (six) inches) and hidden from view (e.g., covered with mulch when located within a flowerbed). Detached single family homes that are located at the intersection of two streets (corner lots) shall treat stumps in the side yard and/or back yard within grass-covered areas (lawn) adjacent to a street as if they are located in the front yard of the home. This requirement does not apply to stumps that lie beyond the side plane of the house within the back yard or to stumps that lie in wooded areas next to a street in a side or back yard of a lot.

## **Common Areas**

No trees or other vegetation shall be removed or cut down on the common areas without written approval from the Association. Owners shall not extend their yards into wooded areas, store items on the common areas, or place structures in the common areas. Invasive plant species planted on lots shall not be allowed to invade the common areas, and Owners shall be responsible for the invasive species removal if their lot is the source of the infestation.

## **Enforcement**

If an Owner removes a tree on their lot that requires approval or removes trees or other vegetation from the common areas, he/she, at the Board's discretion, shall be subject to enforcement provisions provided by the Declaration and Bylaws of the Association, and/or the Property Owners' Association Act (POAA). The Board reserves the right to require an Owner to replant trees that are removed without proper authority but must conduct a hearing to impose this penalty. See the policy resolution entitled Rules and Regulations Imposing Sanctions for Violations.

Nothing herein shall preclude the Board of Directors from the use of such other remedies or sanctions available to the Association, including the use of self-help, in order to ensure that an owner's lot is brought into compliance with the Association's governing documents. The Association also reserves the right to exercise all other powers and remedies provided by the Association's Governing

Documents or the laws of Virginia and Fairfax County, including, but not limited to, obtaining injunctive relief in a civil court and/or any remedies available under the criminal justice system.

EFFECTIVE DATE OF RESOLUTION

This resolution shall replace and supersede any previously-adopted resolutions concerning tree removal.

I hereby certify that this policy resolution was duly amended and adopted by the Board of Directors at a regular meeting on September 17, 2019.

NEWINGTON FOREST COMMUNITY  
ASSOCIATION, INC.

By: \_\_\_\_\_  
Clayton A. Vieg, President