

## CITIZENS' ASSOCIATION NEWSLETTER

June 2006

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*Residents of Carderock Springs and surrounding areas may join the Citizens Association for annual dues of \$30 for a membership year ending December 31, 2006. Dues and family information for the Directory may be mailed to the Association at P.O. Box 237, Cabin John, MD 20818-0237. Our Association represents the Carderock Springs community, and implements its land covenants.*

# Architectural Review Committee - Decisions and Appeals

Recently, there has been a great deal of interest in a proposal for modification of the residence at 8209 Stone Trail Drive. The Architectural Review Committee (ARC), which is responsible under the community covenants and the Association's bylaws for reviewing among other things all plans for modification of homes, is working with the applicant to resolve various concerns in this case.

More generally, the Board takes this opportunity to remind the community of the underlying purpose of the covenants and certain procedural aspects concerning their enforcement.

As has been published in previous newsletters, the covenants are designed to assure that modifications of homes are consistent with the prevailing architecture so as to preserve aesthetic harmony within the community. Indeed, a primary

appeal of the community is the attractiveness of its architecture. The ARC is the community's "first line of defense" in protecting its architectural values.

Inasmuch as ARC approval is required for modifications, a decision by a homeowner to proceed with construction following issuance of a permit by County authorities without also obtaining approval of the ARC would be at the homeowner's sole risk that it may have to remove any construction not approved by the ARC.

Because the ARC is the body designated by the covenants and bylaws to review proposals, it is the community's primary mechanism for working with homeowners to prevent modifications that are inconsistent with the covenants. Prior to an appeal of an ARC decision, the Board is a neutral party whose role is to assure that the process is open, fair and reasonable.

Any decision by the ARC on a proposal may be appealed to the Board by the property owner and/

or applicant any member of the Association in accordance with the Association's bylaws, a copy of which will be made available upon request. The Board has determined that any such appeal must be made within 30 days of the ARC's decision. Should such an appeal be taken, the ARC's decision remains in full force and effect unless and until modified, overruled or accepted by the Board. The Board will follow reasonable procedures to govern any such appeal in accordance with the Association's bylaws.

While individual homeowners have rights under the covenants to seek injunctive relief in court, the Board has a responsibility to all property owners covered by the covenants to enforce the covenants and will do so where necessary to uphold them. Nonetheless, interested homeowners are reminded that the ARC meets monthly on the first Wednesday of each month to consider proposed modifications and are invited to attend any of these meetings to voice their concerns.

There are bound to be disagreements among residents regarding the parameters of appropriate construction in the community. But we should all keep in mind that the covenants exist for the benefit of every homeowner and that the ARC review process is the key means of upholding them.

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## **Carderock Springs and Covenant Communities**

This is the last in a series of articles on Covenant Communities and Carderock Springs.

Modern Covenant Communities resemble mini municipalities within larger governmental units. Through mandatory membership in the community organization and by providing that organization with the authority to establish mandatory dues (frequently enforceable by filing liens against properties that fail to pay required dues) the governing body of the community is given a form of “taxing authority” to make it fiscally independent and able to

pay for the many duties placed in the community body by the governing covenants. This “taxing authority” when combined with the mandatory provisions of covenants enables the “governing body” to carry out the two major objectives of most covenants – a) maintenance of the community property and b) preservation of the character and economic values in the community. In Carderock the covenants both divide the community property rights/obligations and the preservation of the community responsibilities and fail to provide for any “taxing authority”. The community property and amenities such as the Swimming pool, tennis courts and clubhouse reside in the Carderock Swim and Tennis Club which maintains and operates these facilities, while the authority to preserve the character of the community is placed in an Architectural Review Committee with power to enforce the determinations of the ARC placed in the hands of individual property owners and the Community

Association. The Association is not given any taxing authority and membership in the Association is voluntary.

Under the Carderock set up, the front line responsibility for preserving the character of the neighborhood is given to the ARC through the provisions of Article VI of the Covenants, which requires that improvements of any character and changes in the exterior design of existing structures must first be submitted to and approved by the ARC before any construction is permitted. Plans for such improvements and modifications must be lodged with the ARC and its written approval of such plans obtained. Although the Board of the Carderock Springs Citizens Association is given authority to hear appeals from determinations of the ARC, the Board recognizing that the front line body for dealing with architectural changes proposed for properties in the community resides in the ARC has sought to make the ARC procedures open and transparent. Thus the ARC

holds regularly scheduled meetings to consider plans for construction and exterior design changes at which community members are invited to attend and neighbors are invited to submit views concerning proposed improvements and modifications. Because of the front line nature of the ARC's authority and the appeal nature of the Citizens Association's Board responsibilities, community members with concerns regarding proposed construction or modification should, under the Carderock structure, make their views known to the ARC.

Experience has shown that what makes communities such as Carderock and other covenant communities desirable places to live is in no small part the fact that as a general matter those who came before lived up to the covenants and restrictions so that those who are here now can enjoy the benefits of the community and through compliance with the Covenants will pass it on to those who will come later.

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# **Lisa Wilcox Deyo**

## **Resigns from ARC**

After years of service to the CSCA Board, ARC and Design Guidelines Committee, Lisa Wilcox Deyo recently resigned from the ARC. In her years of service to the community, Lisa has worked with other CSCA board and association members to emphasize the importance of good design for renovations and landscaping. As a landscape architect and strong interest in modern architecture, Lisa also played a leading role as a member of the Design Guidelines Committee which is working on a set of guidelines that will be released to association members to review and comment. Last year the CSCA allocated association funds to hire a consultant to help complete the Design Guidelines. The Design Guidelines will help Carderock homeowners with ideas when renovating their homes so that they are consistent with the covenants and architectural vision statement. Lisa and her husband Tom and other neighbors have also embarked on a beautification of the knob Pine Cone Knob on Lilly Stone

Drive. Last year, Lisa and Tom showcased their home during the Carderock House and Garden Tour. The association wishes to thank Lisa for her years of service to the community.

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## **Report on Roads Examination**

Community resident Alan Astrove and Board member Carl F. Goodman spent a day examining the roads in the Carderock subdivision. This included the shoulder and the ditch (swale). They identified several areas where the road was failing and areas where the ditch and/or shoulder were not properly maintained.

On April 21, 2006 Astrove and Goodman met with the Department of Public Works to discuss the road situation. The most significant point was realizing that Community involvement was paramount to getting the road repaired.

The Department of Public Works will respond to complaints. This information makes it clear that if

we want our roads repaired, we must continually contact the department and request maintenance. The good news is that it is easy to complain – simply call the department. The information that must be given is:

a) the location of the problem (e.g., in front and across the street from 8 Park Overlook Court)

b) a description of the problem (e.g. the road is cracking, the ditch or shoulder is eroded)

Duplicate calls on the same problem alerts the Department the seriousness of the problem, so call them and do not put off calling by assuming someone else has called. Complaints about problems viewed as safety issues, such as potholes, are handled on an expedited basis. Once a call has been made, an examiner will review the site – but not sites near it unless they are also the subjects of specific complaints. If the examiner finds that work needs to be done, the site gets into the queue for repair.

It was pointed out to us that it is important for the grass on the shoulder to be maintained, dense

foliage or plantings on the shoulder is not allowed by the County. They will not work if property owners have planted trees or shrubs in the County-owned.

Two items are of particular importance for residents concerned about our roads:

1) Call and register your complaint giving the location and a general statement of the problem

2) Maintain the shoulder area in front of your property.

Finally, the County is on a 16-year cycle to resurface the road system in communities. Our roads were done some 10 years ago so we have 6 more years (approximately) to wait. Therefore the community must be diligent about keeping up with repairs.

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## **Dumping on Carderock Drive**

There appears to be a fairly serious problem developing along Carderock Drive between River Road and Fenway where somebody is dumping trash. On May 14, sometime during the day, there

appeared a huge piece of a playground slide, plus other debris. On May 19, two mattresses, and a pile of scrap wood appeared along the parking area.

We encourage residents to watch for cars and trucks parked along the side of the road and get license plate numbers of any that appear suspicious for possible forwarding to the police.

Ultimately, the only way we can stop this is to catch the perpetrators. If there is increased community awareness of the dumping, the chance of apprehension may increase.

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## **Tire Slashing/Club**

### **Break-ins in Carderock**

Numerous cars (mainly in the area of Glenmore Spring Road) have had their tires slashed, and at least one car was “keyed.” Most of the cars were parked on the street. In addition, Swim and Tennis Club facilities were recently vandalized twice, with property damage and the theft of various items.

If anyone knows anything about these, please call the police and report it.

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## **Electric Fences and Roaming Dogs**

Recently, there has been a case of a dog attacking a morning walker in Carderock. Please make sure electric dog-fences are working properly and dogs are properly collared. Remember Montgomery County has an ordinance requiring that dogs that are not fenced must be kept on a leash - and our community requires the same.

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## **Plea to Dog Walkers: Clean-up After Your Dog**

There are many dog owners in Carderock. Would you please pick up after your dogs as you walk them past your neighbors’ homes. Regardless of the season, many children, runners and bikers use

our roads and grassed rights-of-way, and they should not have to worry about dog poop. Cleaning up after your dog is simply common courtesy.

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## **Be a River-Friendly Neighbor Handbook**

**www.Potomac.org**

For more than ten years, the Potomac Conservancy has been protecting the health, beauty, and enjoyment of the Potomac River and its tributaries. The Potomac Conservancy provides conservation options and hands-on restoration opportunities throughout the Potomac River region, including in the Middle Potomac corridor, which it has identified as a critical landscape meriting special protection.

The Potomac Conservancy, in partnership with The Nature Conservancy's Maryland/DC chapter, presents the [Good Neighbor Handbook: Tips and Tools for River-Friendly Living in the Middle Potomac Region.](#)

The handbook included articles such as:

Weeds Gone Wild: The Threat of Invasive Plants.

Going Native: Landscaping with Native Plants.

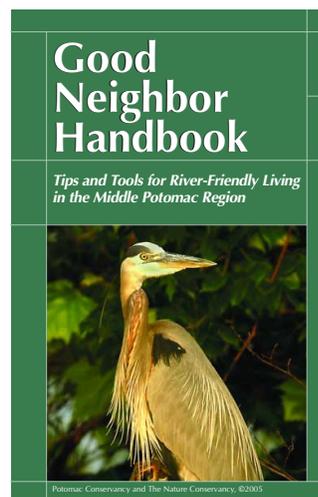
Creatures Among Us: Creating and Managing Wildlife Habitat.

Deer Not So Dear: The Dark Side of Bambi

Minding Your Turf: Healthy Lawns for a Healthy Bay

Twinkle, Twinkle, Little Star: Minimizing Bright Outdoor Lighting.

Seeing the Forest for the Trees: Proper Pruning Etiquette



The handbook is available at [www.potomac.org](http://www.potomac.org)