

*Wellington Commons Homeowners Association*

# **WELLINGTON COMMONS HOMEOWNERS HANDBOOK**

**August 2022**

[www.wellingtoncommons.com](http://www.wellingtoncommons.com)

## **Prospective Buyers**

### ***Please Take Note!***

**All vehicles parked overnight within Wellington Commons are required to have a valid hang tag displayed from the vehicle's rear view mirror.**

**It is your responsibility to obtain three valid hang tags from the seller at closing or to have the seller provide sufficient funds to cover replacement costs.**

**Otherwise, the tags are considered lost, and you will be liable for the full replacement costs (up to \$150 for three hang tags).**

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**TELEPHONE NUMBERS**

**EMERGENCY**

<b>Police, Fire, Ambulance</b>	<b>9-1-1</b>
Dominion Virginia Power	703-934-9660
Washington Gas	703-750-1400
Sewer Backups	703-323-1211
Poison Control	202-625-3333
Water (Fairfax County)	703-698-5613

**GENERAL**

Animal Control	703-830-3310
Board of Supervisors, Lee District	703-971-6262
Better Business Bureau	202-393-8000
Building Permits	703-222-0801
Department of Motor Vehicles	703-761-4655
Fire and Rescue	703-246-2549
Police (non-emergency)	703-691-2131
Towing Company (A-1)	703-550-7618
Trash Company (Trash-Away, including bulk pickup)	703-339-4560
Voter Registration	703-222-0776

**FAIRFAX COUNTY SCHOOLS**

School Administration	703-246-2502
School Closings	703-246-2500

**WELLINGTON COMMONS HOMEOWNERS ASSOCIATION**

Board of Directors	board@wellingtoncommons.com
Architectural Review Committee	arc@wellingtoncommons.com

**MANAGEMENT COMPANY**

American Management of Virginia  
7900 Sudley Rd, Suite 600  
Manassas,, VA 20109  
703-530-1550; [ppicciano@amvirginia.com](mailto:ppicciano@amvirginia.com)

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## *Wellington Commons Homeowners Association*

### **Introduction<sup>1</sup>**

Welcome to the Wellington Commons Homeowners Association (WCHOA)! Incorporated in 1986, the Association provides a communal basis for preserving, maintaining, and enhancing the homes and property in our community. The Association furnishes homeowners and tenants with a range of basic services, including upkeep of the common areas, snow removal, and trash collection. It also oversees and enforces reasonable restrictions that preserve the net value of our community while maintaining a high quality of life for residents. Finally, it levies financial assessments on homeowners in order to operate and maintain the common areas. The Association functions as specified in its governing documents, with volunteer leaders elected by a membership comprised of all owners in the community. Additional information is posted on the Association's Web site at [www.wellingtoncommons.com](http://www.wellingtoncommons.com).

The Association has created this handbook as a quick reference for homeowners and residents in the community. It provides answers to frequently asked questions on topics such as parking, yard maintenance, trash removal, and other aspects of day-to-day living. The handbook explains the architectural features of properties in the community, guidelines for acceptable materials and designs, and procedures for seeking approval for architectural and landscape modifications. It also summarizes the roles of the Association's Board of Directors (the "Board") and volunteer committees.

The handbook is intended to augment--but not replace--the governing documents that establish the Association as a legal entity. The governing documents include the Articles of Incorporation (the "Articles"), the Declaration of Covenants, Conditions, and Restrictions (the "Declarations"); the Bylaws; and Resolutions adopted by the Board. The Articles incorporate the Association in the State of Virginia, pursuant to the Virginia Property Owners' Association Act. The Declarations are part of the deed for every property in the community. They create interlocking relationships binding all owners to one another and to the Association for the purposes of maintaining, governing, and funding the Wellington Commons development. The Bylaws contain formally adopted governing regulations for the administration and management of the Association, and the Resolutions outline additional rules and regulations adopted by the Board.

The governing documents were provided to each homeowner as part of the disclosure packet provided when purchasing their property. The covenants in them are binding on and should be fully understood by each homeowner. In the event an owner rents or leases a unit, the owner must ensure that the lease provides that occupants are subject to the provisions of the governing documents. Copies of these documents are available on the Association's Website.

Residents are encouraged to check the Web site for periodic updates to this handbook.

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<sup>1</sup> This explanation of the Association's role and its governing documents was adapted from material available from the Community Associations Institute on their Web site ([www.caionline.org](http://www.caionline.org)).

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### **Section I: Day-to-Day Living**

The enjoyment of Wellington Commons in part results from how the community manages day-to-day neighborhood life: parking, taking out the garbage, collecting assessments, caring for homes and yards, and abiding by other reasonable restrictions. Maintenance affects the visual character and economic values of the property and neighborhood, and in some cases, safety.

#### ***A. Parking***

The community maintains a flexible approach of allowing each resident to park up to three vehicles on the property -- one in a reserved space and two in non-reserved spaces on a first-come, first-served basis. All vehicles parked overnight within Wellington Commons are required to have a valid hang tag visible from the front windshield of the vehicle. Care should be taken to ensure that hang tags are not obscured, especially in the summer months with the use of sun shades, or by any other type of hang tag. The front side of the hang tag must also be facing the windshield and not the interior of the vehicle.



Motorcycles must be parked in reserved spaces as hang tags are not issued for these vehicles. Residents with motorcycles will need to forfeit one hang tag for a parking decal. Commercial vehicle parking is not permitted in the community except in connection with temporary contracted construction and maintenance activities. Commercial vehicles may not be parked or stored in the community overnight. For further information please refer to the Parking FAQ and Resolution passed in July 2020, both posted on the Association's Web site.

***How will parking rules be enforced?*** The Association has contracted a local towing company to remove any vehicle on the property that is not in compliance with parking regulations. Towing occurs on random days, as directed by the Board. Parking in fire lanes or other areas marked with yellow curbing and/or signage--as well as parking that obstructs access to common areas or another legally parked car--is prohibited and will result in towing. If your vehicle has been towed, call the Fairfax County police non-emergency line at 703-691-2131 for information on the towing company and location.

***What are the hours of enforcement?*** The Association's aim is to be reasonable while also addressing

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the most egregious and habitual violations committed by a small number of residents to the detriment of all. The primary hours of enforcement are generally between midnight and 5:00 am. During other hours, we generally will not enforce the requirement for every parked vehicle to display a hang tag, relying instead on common courtesy and the honor system. This flexible approach may change--without notice--if violations impede shared use of our limited parking resource.

***I can't place a hang tag on my motorcycle -- what should I do?*** All Motorcycles must display a WCHOA parking decal on the front fork of the motorcycle. Please contact management to obtain a motorcycle decal. Please note that all owners are issued 3 parking hang tags per home. If you register a motorcycle you must relinquish one of your issued hang tags. Motorcycles must be parked in reserved spaces. One motorcycle and one car may be parked in the same reserved space, as long as they do not impede into another space or the roadway. Two motorcycles may also be parked in the same reserved space, as long as they do not impede into another space or the roadway. *(Note: This change was adopted during the Board of Directors monthly meeting on 22 June 2017, as documented in the minutes of that meeting.)*

***My vehicle cover obscures the hang tag -- what should I do?*** Cars and motorcycles with covers must be parked in the owner's reserved spot, and a hang tag number must be written on the car cover so that it is clearly visible. If a hang tag with the same number is found on another vehicle, then parking privileges will be revoked and both cars will be towed. Covered vehicles in non-reserved spaces are subject to towing.

***I am renting and have not received hang tags -- what should I do?*** Contact your landlord immediately.

***Can I lend my hang tags to a neighbor?*** No. It is the policy of this Association that owners do not have the right to lend, transfer, or sell their Association-issued hang tags to allow other residents to park more than three vehicles. Such activity violates the spirit of common courtesy inherent in the shared use of our limited parking resources. Violators are subject to immediate towing and suspension of parking privileges.

***Parked in a number space other than your own?*** If you park in a numbered space other than your own, homeowners have the right to call have you towed from their reserved space.

***Lost or Missing Hang Tags:*** The replacement charge for lost or missing hang tags is up to \$50 for each tag. All owners were issued three hangtags in January 2018. At this point, and given the passage of time, it is assumed that all residents received those three hang tags and have enjoyed ample opportunity to claim otherwise. Hence there will be no waivers of replacement fees. In the case of home sales, including foreclosures, it is the responsibility of the purchaser either to obtain hang tags from the seller or to ensure that the seller places sufficient funds in escrow to cover replacement fees. Otherwise, the hang tags are considered lost and subject to replacement fees. Note that all hang tags remain the property of the Association.

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## ***B. Trash, Recycling, and Hazardous Waste***

***Trash is picked up each Tuesday and Friday.*** (The only exceptions to Tuesday and Friday pickups are Christmas and New Year's Day.) Trash and recycling must be put out after 7:00 pm the night before pickup or by 6:00 am the day of pickup. Trash cans and recycling bins must be returned to your back yard for storage by the evening of each day that trash and or recycling is collected.

***Recycling is only collected on Tuesdays.*** If you do not have a recycle bin please contact our trash service and they will provide one. Recycling left out on the wrong day may not be picked up.

Additional information on recyclable materials can be found at

<http://www.fairfaxcounty.gov/dpwes/recycling/new-mat.htm>.

***Bulk and Special pickups*** To arrange special bulk pickups (such as furniture, mattresses, appliances, toilets, carpet, etc) call our trash provider during their regular business hours. Contact information for the trash company is located in the front of this handbook.

***Storage of Trash & Recycling Containers*** as well as bags of trash is limited to an inconspicuous area of a homeowner's back yard. Residents should take precautions to seal containers to keep away raccoons, possums and other rodents.

***How do I dispose of hazardous waste?*** Fairfax County accepts hazardous waste from residents free of charge and disposes or recycles them according to all local, state and federal regulations. The county describes household hazardous waste as used or leftover contents of consumer products that contain materials with one of the four characteristics of a hazardous waste: toxic, ignitable, corrosive or reactive as defined by the Environmental Protection Agency (EPA). Examples include vehicle fluids, certain paints, poisons, and other items listed on the Fairfax County Web site. Such materials are accepted at the county's hazardous waste collection sites and during household hazardous waste community collection events. Additional details on hazardous waste and collection sites are available on the Fairfax County Web site at "<http://www.fairfaxcounty.gov/dpwes/trash/disphhw.htm>".

***Litter:*** Residents are responsible for picking up litter and windblown debris on their property and for disposing of it properly. The Association pays for litter removal from the commonly owned areas. Residents should not add to those costs by dumping refuse, even organic debris like grass clippings, in commonly owned areas.

***Storm Drain and Pond:*** Do NOT throw debris, trash, hazardous materials (including pet animal waste) into the storm drains! These materials enter our pond and could cause irreversible damage.

***Remember - "Only rain down the drain!"***

***Note:*** Violations of the above notifications related to trash, recycling, and hazardous waste are subject to immediate sanction as specified in our governing documents and Virginia law, to include a \$50 fine; costs for removal and cleanup; and possibly other measures.



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### ***C. Assessments***

By purchasing a home in Wellington Commons, a homeowner becomes a member of the Wellington Commons Homeowners Association and agrees to pay annual and special assessments, if applicable, to support the Association's operations and to maintain the common areas. The annual assessment is paid in quarterly installments, with equal payments due the first day of January, April, July, and October. Payment coupons are typically distributed in early January. Consult the management company for electronic payment options. All special assessments, if applicable, shall be due as specified in the notice of special assessment.

***Late Payments:*** When a quarterly assessment is thirty-one (31) days past due, a late fee of \$20 shall accrue. In the case of a returned (dishonored) check, a charge of not less than \$25 or the rate charged by the financial institution (whichever is larger) shall accrue. The Association can accelerate assessments such that the total remaining balance for the year, along with accrued late fees, is due and payable on demand if the quarterly assessment installment is not paid within ninety (90) days of the due date.

***Delinquent Accounts:*** After an account becomes delinquent, the responsible owner shall no longer be an Association member in good standing and shall not be entitled to any of the rights and privileges of membership, to include rights to vote and/or parking in reserved and non-reserved spaces. All fees incurred by the Association in connection with the collection of a delinquent account and such sums including the delinquent assessment, interest, administrative late charges, legal costs, and attorney's fees shall be applied to the account. After an account becomes delinquent, payment received from an owner will be credited in the following order of priority:

1. Charges for attorney's fees and court costs;
2. Interest, administrative fees, and returned check fees;
3. All other charges and fees incurred by the Association as a result of any violation by an owner, his/her family, employees, agents, tenants, or licensees of the governing instruments of the Association;
4. Any and all special assessments;
5. The regular assessment.

### ***D. Property and Yard Upkeep***

Well-maintained yards enhance our community's curb appeal, which also enhances our collective property values. All homeowners have responsibilities in this area. The guidelines below specify standards for upkeep of landscaping on private properties. They strike a balance between allowing latitude for varying styles while providing the Association with a basis for addressing deficiencies in upkeep.

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**Basic Standards:** Landscaping represents a matter of some subjectivity. Where disputes arise, the Association shall refer to common practice in the professional landscaping industry, as well as the professional advice of our management company, as a basis for covenant enforcement.

- The front yard of every home must have either a tree or alternative specimen planting, as well as evergreen foundation plantings. Trees, plantings, and groundcover shall be laid out according to a reasonable and pleasing design. Examples of acceptable tree and foundation planting choices are listed later in this section.
- Trees, shrubs, and ground covers must be maintained, to include watering, fertilizing, mulching, trimming, and pruning appropriate to each species. Dead, damaged, or otherwise non-viable landscape elements must be removed and replaced on a timely basis not to exceed 30 days.
- Trees, shrubs, and vines must be trimmed so as not to block common area sidewalks or otherwise pose a hazard to people and property.
- Hedges and shrubs must be trimmed to a height of six (6) feet or less and must not have a ragged or otherwise unshapely appearance.
- Lawns must not be allowed to grow higher than four (4) inches. If grass is used as a groundcover, any dead or bare areas should be repaired by overseeding or replaced with sod. Yards should not have any bare areas. Weeds and crabgrass are not permitted.
- Insects and/or diseases on trees, shrubs, and grass should be promptly treated to prevent infestation of surrounding areas. Treatment shall occur on a timely basis not to exceed 15 days.
- Ivy should be cleared from the walls and siding of homes and from extending through and/or over fences, unless such ivy has been approved via architectural application.
- Weeds or other noxious vegetation must be removed from grass, plant beds, and other landscape elements on a timely basis not to exceed 15 days.
- Yards and planter boxes devoid of plantings and consisting only of bare soil, mulch, rocks, concrete, or similar elements are prohibited.
- Trees, shrubs, groundcover, and other landscape elements must be live and may not consist of artificial materials such as plastic.
- Water must not be left standing in pools or other containers. Doing so represents a public health hazard.
- Trash, junk, brooms, and other "clutter" may not be kept in plain view. Trash cans and recycling bins must be kept in the back yard. Yard waste must be kept in appropriate trash bags, in the rear yard, and may not be stored there for more than one week.

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- Maintenance activities such as weeding, trimming, pruning and mulching should be done on a routine basis, with upkeep deficiencies addressed on a timely basis not to exceed 15 days.
- Pesticides and herbicides must be applied according to label directions. Take extra care when applying fertilizer to soil, especially in areas adjacent to the pond or the culverts that drain into the pond.
- Owners are responsible for protecting their individual lots from erosion as well as from creating erosion problems to adjacent areas.
- Composting is prohibited in this community.

**Trees:** Our community includes several "legacy" trees--originally planted by the builder more than 25 years ago--that may be too large or otherwise not optimal for small yards in a townhouse development. These original plantings should be replaced with an approved species as they die, become damaged, or otherwise require removal according to common practice in the professional landscaping industry. An architectural application should be submitted to ensure that any such replacement conforms to the standards of this community.

The Association will generally decline applications for fruit trees and other plantings that may attract rodents or otherwise pose a nuisance. The Association generally will approve applications to plant the following tree species, assuming they are situated on the property in a tasteful manner that accords with common practice in the professional landscaping industry. (For other species, please include information on color, growth pattern and expected height with your architectural application.)

- Flowering Dogwood
- Japanese Maple
- Nellie R. Stevens Holly
- Paperbark Maple
- Redbud
- Golden Desert Ash
- Red Cascade or Dwarfcrown
- Globe Norway Maple
- Japanese Tree Lilac
- Kousa Dogwood or Chinese Dogwood
- Persian Parrotia

**Evergreen Foundation Plants:** The Association will generally approve applications to plant the following species, assuming they are situated in a tasteful manner that accords with common practice in the professional landscaping industry. (For other shrubs, please include information on color, growth pattern and expected height with your architectural application.)

- Arborvitae Holmstrup
- Azaleas and Rhododendrons (must be evergreen variety)
- Boxwood "Chicagoland Green"

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- Boxwood "Green Velvet"
- Drooping Leucothoe
- Dwarf Aucuba
- Dwarf Chinese Holly
- Dwarf English Laurel
- Dwarf Japanese Euonymus
- Dwarf Mugo Pine
- Dwarf Yaupon Holly
- False Cypress
- Golden Globe Arborvitae
- Helleri Compacta Holly
- Japanese Holly "Helleri"
- Little Leaf Boxwood
- Oregon Grape Holly
- Rheingold Globe Arborvitae
- Rockspray Contoneaster
- Sherwood Frost Arborvitae

### ***E. Motor Vehicle Control***

The Association has adopted the following salient measures for controlling motor vehicles in the community. See Resolution 2009-02 ("Parking Policy") for additional provisions and details, to include definitions of terms.

- All vehicles must display a valid and current registration and license plate, be in functioning order, and capable of legal operation in the Commonwealth of Virginia.
- Vehicles must be operated on the property in accordance with posted signs, the traffic ordinances of Fairfax County, and laws of the Commonwealth of Virginia.
- The Association has empowered the Fairfax County Police to patrol and enforce all traffic laws that apply to county streets.
- The speed limit within the community is 15 miles per hour.
- Parking in fire lanes or other areas marked with yellow curbing and/or signage--as well as parking that obstructs access to common areas or that blocks another legally parked car--is prohibited and may result in towing without notice.
- Commercial vehicle parking is not permitted in the community except in connection with temporary contracted construction and maintenance activities. Commercial vehicles may not be parked or stored in the community overnight.

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- Residents may make minor, non-fluid change types of repairs to vehicles, as long as such maintenance is completed by sunset of the same day. Major repairs, to include fluid changes, are prohibited.
- Only motorized passenger vehicles are allowed in parking spaces. The following are prohibited: recreational vehicles, motor homes, boats, trailers, all-terrain vehicles, construction materials.
- portable on demand storage ("PODS" and comparable temporary storage containers)
- Storage containers (such as PODS™ or other similar storage containers, boxes, etc.) are not allowed to be used for long-term or permanent storage. However, an Owner may submit a prior written request to the Board to approve the temporary placement of a portable storage container in the applicable dwelling unit's reserved space: (i) while loading or unloading the container, or (ii) temporary storage for a specified number of days while renovation work is actively being performed on the Lot or within the dwelling unit. The request must be in writing and written approval must be obtained before the storage container is delivered and placed within the community. If or when a portable storage container is approved by the Board, the following conditions apply:
  1. (1) It must be placed entirely within the marked reserved space for that Owner or tenant's dwelling unit;
- (2) It must not encroach onto or block access to adjacent parking spaces or impede the flow of traffic;
- (3) It must be promptly removed from the community in accordance with the terms of the approved request; and
- (4) The Owner will be responsible for any damage caused by the portable storage container being within the community. If the Owner does not promptly repair the damaged Common Area property to its original condition, then the Owner agrees that the Association may proceed to repair the damage at Owner's cost.

### ***F. Pets***

As stated in Article VI, Section 8 of the Declaration of Covenants, Conditions, and Restrictions,

*"No animals, livestock or poultry of any kind shall be raised, bred or kept on any Lot, except that dogs, cats or other household pets may be kept on the Lot subject to such rules and regulations as may be adopted by the Association and provided they are not kept, bred or maintained for any commercial purpose, or in unreasonable numbers. Notwithstanding the foregoing, no animals or fowl may be kept on the Property which result in an annoyance or are obnoxious to residents in the vicinity. "*

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The following additional rules apply. Violations shall be addressed according to the Associations covenants for due process and enforcement. In addition, the Board of Directors has extended permission to both the County Director of Animal Control and the Fairfax County Animal Wardens to enforce all applicable portions of the Fairfax County Code in regard to all animals and pets within the common areas. Residents may also contact Fairfax County Animal Control (703-830-1100) or the Fairfax County Health Department (703-246-2411) as appropriate.

- Pets may not run at large in Wellington Commons. A pet is "at large" when not restrained by a dependable leash and controlled by a responsible person at all times as defined by the Fairfax County Code.
- All pets must have appropriate shots, licenses and tags required by Fairfax County Code.
- Pet waste must always be picked up, placed in sealed plastic bags, and disposed of properly in individual or community trash cans. DO NOT throw pet waste into the storm drains. Our community pond holds water from these storm drains. Kitty litter must be disposed of in a tightly sealed plastic bag and placed at curbside on normal trash collection days.
- Pet owners shall ensure that their pets are not a nuisance to other residents in the community. Examples of "nuisance" are barking, crying, scratching, aggressiveness, or being hygienically offensive (as determined by the Board).
- Pets shall not be chained or leashed on any common area.
- Pets may not be groomed on common areas.
- Pet owners are liable for all costs for repairing damage to common areas caused by their pets.
- Pet owners should respect the property of other homeowners and not allow their pets to walk and or relieve themselves on private property.
- Pet owners are subject to fines and other sanctions if they are found not to be in compliance.

## ***G. In-Home Businesses***

Administrative Resolution 99-1 ("Home Businesses") specifies the Association's criteria and approval procedures for businesses that are operated from individual residences in accordance with Fairfax County ordinances and the laws of the Commonwealth of Virginia and Federal Government. This resolution represents a modification to the Declarations that was adopted by a vote of the Association members. In short, it prohibits businesses that generate customer traffic. All owners or their tenants who operate a home business must apply to--and receive approval from--the Board of Directors. The Association does not expressly prohibit in-home day care services, but the above requirements must be met. Care should be taken so that this service does not cause an annoyance to neighbors or interfere with the rights of other homeowners relating to the "quiet enjoyment" of their property.

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### ***H. Playground and Gazebo***

The Wellington Commons playground is for enjoyment of residents and their invited guests only and is to be used only during daylight hours. The playground is not to be used after dark. Glass containers of any kind are not permitted on or around the playground. Any picnic items brought to the lot are to be removed when the resident leaves the playground.

All patrons of the playground assume all the risk of using such a facility. An adult must accompany all children using the playground. Bicycles, scooters, skateboards, and other wheeled vehicles shall not be used on the playground. The use of any thrown or batted balls in or around the playground is prohibited. Residents using the lot who discover loose bolts, chipped paint, or any playground equipment in disrepair shall report the damage/repair to the management company immediately. Smoking is not permitted in or around the playground. In the spirit of being neighborly, it is expected that patrons utilizing the facility will assist in removing any sticks or debris that may cause harm to children using the facility.

Like the playground, the Gazebo and the surrounding pond area is for the enjoyment of residents and their invited guests. The Gazebo and Playground may be reserved for small affairs as long as permission is sought in advance by submitting the request to the Association's management company. A \$100 temporary deposit assessment is charged to the unit owner's account upon requesting use of the facilities. Failure to clean up after use may result in the deposit and additional charges assessed to the account.

### ***I. Safety, Security, and Neighborhood Watch***

For our mutual safety, please remain alert for suspicious activity and report it to the local police on either their emergency (911) or non-emergency (703-691-2131) numbers as appropriate. Trust your gut. If something doesn't look right, then call the police. They are very understanding if something that appears suspicious turns out benign. At the same time, making the police aware of issues in the community--such as suspicious people, abandoned vehicles, and graffiti--provides data points that allow them to identify trends that affect our security. In addition, the Fairfax County Police offer advice and services for improving the security of your home on their Web site.

The Association maintains an email-based neighborhood watch that allows us to keep each other aware of crime or unusual activity in the immediate area. Contact the Board if you want to be added to the email list for the neighborhood watch or to share a tip. We can relay your information to fellow neighbors while preserving anonymity.

### ***J. Communication Between Association and Residents***

The Association normally relies on these methods to communicate with owners and residents on issues of public and common concern:

- the Web site;

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- fliers posted to mail kiosks;
- periodic correspondence sent via US Mail;
- newsletters
- other communications and or community alerts sent via e-mail.

Written communication with individual residents on private matters--pertaining to their individual residence or standing on the Association--may occur via email, US mail, or hand delivery of written correspondence.

### ***K. Miscellaneous Rules***

We ask residents to adhere to common courtesy in their day-to-day activities. Nonetheless, the Association has adopted the following rules to address issues that have arisen in recent years.

- ***Signs:*** No sign or billboard can be displayed, unless otherwise allowed by state law or county ordinance, except for one sign per lot advertising the property for sale or rent. Allowable signs may be placed only in the front yard of the property. Other types of signs may be allowed on a case-by-case basis. Please direct inquiries to the Board.

*Real estate signs must meet Fairfax County regulations with respect to size, content, and removal.*

*They must also adhere to the Declarations, Article VI, Section 3, which states that signs shall not be "more than eighteen inches (18") by twenty-four inches (24)".*

- ***Satellite dishes and TV antennas*** should be placed on the rear roof as the desired location. These devices may not be mounted on decks, fences, the sides of houses, or on poles extending outside a resident's private property. No more than two (2) dishes may be installed on any property without prior approval from the Board.
- ***Skateboards:*** The use of skateboards within the community is prohibited on sidewalks, roadways, paved areas, curbs, retaining walls, and steps. Violators are subject to fines and other sanctions.
- ***Firewood:*** Firewood shall be kept neatly stacked. and located only in the rear yard inside the fence but not higher than the fence line.
- ***Ladders:*** Ladders stored in back yards must be unobtrusive and securely locked to prevent use in a potential neighborhood burglary.
- ***Objects Extending Above the Fence Line*** in the rear or side yard require ARC approval.
- ***Grills, Barbecues, and Open-Flame Devices:*** Fairfax County law requires any grill or other device that uses a flame (i.e., gas, propane, charcoal) to be positioned at least 15 feet from any



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building. No charcoal cooker, brazier, hibachi or grill shall be used or stored on the balconies or within 15 feet of any building. Electric grills are permitted on decks and patios as long as they are designed or approved for lava rocks or permanent briquettes. If you witness any violations of the above then call the Fire Department immediately.

- ***Bird feeders and bird houses***, are allowable, provided that: (i) the ground area surrounding them is kept clean and free of health hazard and (ii) they are placed in an unobtrusive location. Bird feeders may not be placed in the common areas. Owners are discouraged from feeding birds between Easter and Thanksgiving to prevent flocks of undesirable birds or squirrels from becoming a problem in the community. In addition, seeds tend to spill out, which is an attraction for rodents.
- ***Remodeling***: Debris from interior remodeling projects may be stored in the backyard on a temporary basis--not to exceed ten (10) days--provided that the height of such debris does not exceed the fence line and that such debris does not pose a health or safety hazard.
- ***Holiday Decorations*** must be tasteful and should be removed within 15 days of the holiday.
- ***Contractors***: The Board engages a variety of contractors to maintain the common areas. Please address questions about contractor activities to the Board or management company.

### ***L. Procedures for Enforcing Association Regulations***

The Association can address violations of rules and covenants by assessing fines, suspending a resident's right to use common area facilities (to include parking), towing of offending vehicles, suspension of Associating voting rights, and other options specified in Resolution 2008-01 ("Enforcement of Association Instruments and Governing Documents"), as well as our governing documents and the Virginia Property Owners' Association Act. Enforcement occurs according to procedures outlined in Resolution 2008-02 ("Due Process Procedures").

***Note:*** This handbook constitutes notice, pursuant to Resolution 2008-02, Section 1.1 ("Actions Prior to Initiation of Formal Due Process Procedure"), of actions or omissions pertaining to the rules articulated herein that may be construed as violations of the Virginia Property Owners' Association Act and the Association's instruments and governing documents. Violations of aforesaid rules shall be addressed according to formal due process procedures as outlined in Resolution 2008-02 ("Due Process Procedures"). All Resolutions can be found on the Association's Web site.

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### **Section II: Making Exterior Changes to Your Property**

The Association's governing documents allow for reasonable architectural control measures in order to preserve the overall character and property values of our community. This section describes the procedures for submitting applications for architectural modifications and the criteria used to evaluate such proposals. It also distinguishes among exterior modifications that do and do not require approval, as well as those which are prohibited. Failure to adhere to architectural covenants will result in the imposition of sanctions pursuant to established covenants for due process and enforcement.

#### ***A. The Process and Scope for Architectural Approvals***

In general, exterior alterations--both temporary and permanent--require approval, unless otherwise specified in the governing documents or this handbook. Homeowners who undertake modifications without approval risk the cost of removing the modification and restoring the property to its former condition.

Residents request approval by submitting an architectural application to the Association's management company. Forms are available on the Association's Web site. The application will be evaluated by the Architectural Review Committee (ARC) for completeness and compliance with existing architectural covenants. The ARC will only approve complete applications for work that accords with existing covenants. Residents can appeal rejected applications to the Board of Directors. The appeals process ensures that any new architectural precedents are created by an official vote of the Association's elected officers.

The Declarations, Article V ("Architectural Control") specifies that the Board or its designated committee must decide on architectural applications within thirty (30) days of submission. That time period commences on the date of receipt of the application by the Association's management company. From such point, the ARC has 30 days to inform the management company of its decision. The 30-day period does not include time required for postal delivery or other means used to notify the applicant of the decision. Residents not receiving notification after 30 days can call the management company to inquire about the status of their application.

Appeals of rejected or denied applications must be received by the Association's management company within ten (10) days of the date on which the original application was rejected. No timeline holds for the Board's consideration of appeals.

Each approval for an architectural application applies to a specific residence, at a specific point in time, and for the useful service life of the approved modification, until replacement due to wear and tear becomes necessary. Approval does not necessarily extend to replacements beyond the useful service life of the materials and workmanship used in the modification. Approval of a modification to one residence does not necessarily imply automatic approval for similar modifications to other residences in the community.

The Association's records are final in the event of disputes over whether an architectural modification was authorized. If an owner believes that an approved architectural application is missing from the Association's records, then the owner may submit a copy of that approved application. The

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Association will review the submission for authenticity and update the owner's records accordingly. Otherwise, if the owner cannot submit a copy of an approved application, then there is no basis to substantiate the owner's claims, and the disputed modification will be considered unauthorized. Residents may contact the Board to request a hearing to discuss their case.

### ***B. Architectural Application Form***

The form for use in applying for architectural modifications is available on the Association's Web site or from the management company. Generally, the following items should be a part of every application:

- 1. Site Plan:*** A site plan is most easily prepared by submitting a copy of the property plat. Proposed changes should be indicated including dimensions and distances from adjacent property and homes.
- 2. Material and Color:*** Samples or photographs of the materials and colors to be used and a description of the existing colors and materials should be provided. Where materials and/or colors are compatible but different from those of the existing structures, samples of color chips or materials must be submitted for clarity.
- 3. Drawings and Photographs:*** A graphic design and description should be provided, and may be in the form of manufacturer's literature or photographs as well as freehand or mechanical drawings. The amount of detail should be consistent with the complexity of the proposal. Relationships of major architectural features such as existing and proposed roof lines, window sizes and alignment, building heights, roof slopes, exterior elevations for proposed structure, and, if appropriate, plans or provisions for landscaping or grading, etc., should be shown as they affect the applicant's home and adjacent homes. In any case, the sketch or photograph should be accompanied by a detailed written description.

### ***C. Decision Criteria***

The characteristics of the home type and the individual site are taken into consideration when evaluating the particular design proposal. What may be an acceptable design of an exterior in one instance may not be for another. For example, exterior changes to end-unit townhouses, due to their relative proximity to streets and other units usually are more noticeable and have more impact on adjoining properties than for changes to interior units.

The following criteria represent in more specific terms the general standards that will be used in reviewing and evaluating architectural applications:

- 1. Validity of Concept:*** The basic idea must be sound and appropriate to its surroundings.
- 2. Design Compatibility:*** The proposed improvement must be compatible with the architectural characteristics of the applicant's home, adjoining homes, and the neighborhood setting. Compatibility is defined as similarity in architectural style, workmanship, materials, color, and construction details.
- 3. Location and Impact on Neighbors:*** The proposed alteration should relate favorably to the landscape, the existing structure, and the neighborhood. The primary concerns are access, view,

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sunlight, ventilation and drainage. When a proposed alteration has possible impact on adjacent property, it is suggested that the applicant discuss the proposal with neighbors prior to making an application to the ARC. It may be appropriate in some cases to submit neighbors' comments along with the ARC application.

4. **Scale:** The size of the proposed alteration should relate well to adjacent structures and its surroundings.
5. **Color:** The color of any addition or replacement element must match the color of the existing home including roofs, siding, and trim.
6. **Materials:** Continuity is established by use of the same or compatible materials as were used in the original home. The options may be limited somewhat by the design and materials of the original home.
7. **Workmanship:** Workmanship is another standard that is applied to all exterior alterations. The quality of work should be equal to or better than that found throughout the community. Poor workmanship, besides causing the owner problems, can be visually objectionable to others and can also create safety hazards.
8. **Timing:** Projects must be completed within six (6) weeks, after approval by the ARC, to avoid becoming a nuisance and safety hazard for neighbors and the community.

### ***D. Exterior Modifications that DO NOT Require an Application***

The exterior modifications described below do not require approval from the Association. These modifications are unlikely to disturb the aesthetics of our community. This is a waiver of the application process only. It does not reduce either the obligation of the homeowner to follow established architectural guidelines for such modifications, or the obligation to maintain or enhance the aesthetic values of the design of this community. This waiver of the application process does not remove the obligation of the homeowner to obtain all required permits and approvals from Fairfax County. Please Note: a **Fairfax County Building Permit** is required prior to the construction of **any deck, stairs, and possibly other structures**. Information regarding these permits can be obtained by calling the Fairfax County Land Development Services office at 703-222-0801, or by visiting their Web site at [www.co.fairfax.va.us/living/construction/default.htm](http://www.co.fairfax.va.us/living/construction/default.htm).

Subject to the preceding, homeowners may undertake the following modifications without applying to the ARC for approval:

- Repainting with the original, builder-established color scheme of a residence.
- Approved foundation plantings (see Section I for a list) that are located in the rear of a home, provided such plantings do NOT: (i) exceed the height of a fence; (ii) exceed ten (10) feet by ten (10) feet in area; (iii) change the water drainage characteristics of the owner's and nearby properties; (iv) negatively affect the common areas; or (v) otherwise cause damage or

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detrimental impact. However, an application should be made for substantial changes to an existing landscape plan relating to an owner's front, side or back yard.

- Replacement of roofs with the original, builder-established color and style of shingles. (However, there are still some things a homeowner must do. See below section E7.)

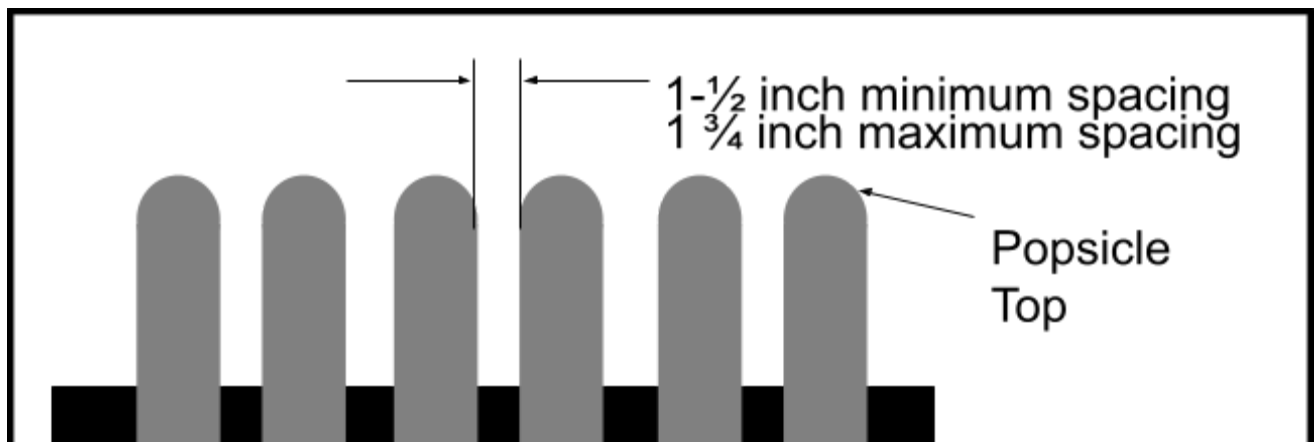
### ***E. Guidelines for Applications that DO Require an Application***

The guidelines that follow address a broad range of exterior alterations for which homeowners frequently submit an application to the ARC. It would be impossible to address each specific design condition (although in some cases specific directions are offered). These guidelines present the principle factors that should be considered when developing a design. More specifically, these guidelines define the limits to size, quality of construction, location, materials and color based on the intended use and relationship to adjoining properties, rather than focusing on a particular construction detail or a specific design alternative. As stated earlier, all projects must be completed within six (6) weeks after receiving ARC approval.

The Association will always consider the individual merits of each application. The use of these guidelines should assist the homeowner in gaining timely approval.

**1. Exterior Paint Color Changes:** All paint color changes require approval. Color changes apply not only to the home siding, but also to the doors, storm doors, shutters, trim, roofing, gutters, downspouts, and other exterior structures. Change of exterior color should not be in the same color profile as the homes to the left and right (i.e. the neighbor to your left has blue, you can not have a different shade of blue). Note that the management company retains a record of the color chart for each lot.

**2. Fences:** Popsicle fencing and dog eared fencing are the only approved style for this community (see diagram below). Cedar and pressure-treated wood are acceptable. The separation between fence boards is between 1 ½ and 1 ¾ inches. Any other modifications require approval or must match the style, color, and materials of existing fences. Fences may be stained with approved tints but shall not be painted.



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**3. Cornwall (End Unit) Fences:** Owners of end units may, with approval, move the side of their backyard fence towards the unit's property line with the following exceptions, stipulations, and additional requirements:

- These special guidelines only apply to the side section of the backyard fence and do not apply to the rear section of the backyard fences of any unit.
- The fence must be at least five (5) feet from the neighbor's property line unless otherwise approved by the Board.
- The fence must be at least one (1) foot from the sidewalk, or any permanent structure, and must be at least six (6) feet from the curb.
- The fence must remain the same design and material after being moved. Any change in height must be approved by the Association.
- The Association may require the area affected by the change to be regraded to lessen the severity of the slope of the area.
- The Association may require restoration of landscaping outside the fence should the move substantially change the previous landscaping.
- The homeowner is entirely responsible for any costs incurred in moving the fence, regrading, or making landscaping changes.
- Due to current lot configurations and/or aesthetics, some fences cannot be changed.

**4. Patios and Decks:** These structures may be located in rear yards only. Lower patios/decks may be constructed of wood, brick, concrete or a combination of materials but may only cover 80% of the back yard. When patio or deck plans include other exterior changes, such as stairs, fencing, lights, plantings, etc., other applicable sections of these guidelines should also be consulted.

**5. Deck/Fence/Wood Stain:** Acceptable products include:

- Clear options
  - Behr N WF Waterproofing Wood Sealer & Finish, "Clear Natural Wood Finish"
  - Behr White Cedar Toned Finish
  - CWF Clear
  - Thompson's Wood Protector Clear Preservative
  - Thompson's WaterSeal Ultra Waterproofer "Dries Clear"
  - Thompson's Original Water Seal "Clear"
  - Olympic Maximum "Tinted Waterproofing Sealant" Cedar Naturaltone or Clear
  - Olympic Clear Preservative

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- Waterguard Clear Sealant
- Flood Clear Wood Finish-UV "Cedar Tone"
- Flood CWF "Clear"
  
- Brown Stains
  - Olympic Semi-Transparent Stains
    - Tobacco
    - Dark Mahogany
    - Walnut
    - Clove Brown
  - Olympic Solid-Color Stains/Olympic Rescue it/Rescue it Max
    - Timberline
    - Chocolate
    - Russet
    - Butternut
  - Behr Exterior Stains
    - WoodChip
    - Russet
    - Valise
    - Chocolate
    - Sable
  - Behr Deckover
    - Wood Chip
    - Valise
    - Chocolate
    - Sable

**6. *Windows:*** Replacement of unit windows must receive prior approval from the ARC. All windows must be clear glass and match the builder's original design, to include grid pattern.

**7. *Landscaping and Vegetable Gardens:*** Applications should include a description of the types and sizes of shrubs to be planted and a site plan showing the relationship of plantings to the home and adjacent dwellings. Consideration should also be given to the type of trees to be planted, specifically with regard to size of mature trees, and how the roots will affect water lines and underground cables, etc. Artificial/plastic/silk plants are not acceptable for exterior landscaping. Vegetable gardens may only be placed in the backyard and beneath the fence line; the layout and plant types must be approved by the ARC; and the garden must be maintained and not attract rodents and insects or otherwise pose a health hazard.

Applications are required for the following:

- Hedges more than two feet (2') in height or eight feet (8') in length, or other features that in effect become structures, fences or screens.

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- Removal of trees, shrubs, or bushes, except in case of emergency where imminent danger or damage to life and property exist. The application must include a plan to replace the tree with another tree or other landscaping. Planting must be accomplished within six (6) weeks unless a waiver is obtained from the Association if such planting is not practical due to weather or time of year.
- Hardscape materials, such as railroad ties, garden timbers, stone or brick walls or edgings which form a wall over twelve inches (12") high or eight feet (8') in length. The application should include a site plan that shows the location of railroad ties or garden timbers, as well as information on landscaping plans and any grading changes.

**8. Roof Replacement:** If re-roofing is necessary, every attempt must be made to conform to the same roof color. If partial re-roofing is attempted, the roof color must match exactly the remaining areas of roofing. In most cases, entire roofing of the home should be considered. If the roof is to be replaced with the same color shingles, an application is not necessary. However, the applicant must notify the management company, in writing, prior to commencing renovation, stating that the roof will be replaced with the same color shingle and listing that color. (The management company has a list of current colors for each home.) In addition, the name of the roofing contractor, along with certification of the contractor's liability insurance must be included.

**9. Storm and Screen Doors/Windows:** Storm or screen doors must closely match the color of the entry door behind them or the surrounding wood trim. Storm and screen window frames must be white. No plastic covering will be permitted on the exterior (outside) doors or windows.

- Front storm doors must be full view, without ornamentation such as scallops, scrolls and imitation gate hinges.
- The full view door must have sides and top not more than 4 inches in width, a lower kick plate not more than 12 inches in height, and will have "glass" from top to bottom, uninterrupted by a bar or decoration. Alternatively, a full view storm door having a perimeter of no more than 3 inches and a middle bar of no more than 4 inches, thus allowing a screen either at the top or the bottom is also permitted.
- Since most full view storm doors have screens with a narrow bar across the center to provide stiffness to the soft screen, a center bar not wider than one inch is permissible only when the screen is inserted.
- Rear storm doors are to be at least 50% glass. Color must be white or match the color of either the trim or the rear door. No cross bucks, scallops, security gates or security bars are permitted.

**10. Major Exterior Changes:** Changes that substantially alter the existing structure either by subtraction and/or addition. Major building alterations include, but are not limited to, construction of porches, greenhouses, rooms, fireplaces, doors, chimneys, or other additions to a home.



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- Major alterations must be compatible in scale, materials and color with the applicant's house and adjacent houses. The location of major alterations should not impair the views, or amount of sunlight and natural ventilation on adjacent properties. New windows and doors must match the type used in the applicant's house and should be located in a manner which will relate well to the location of exterior openings in the existing house.
- If changes in grade or other conditions which will affect drainage are anticipated, they must be indicated. Approval will be denied if adjoining properties are adversely affected by changes in drainage.
- Construction materials must be stored in such a way that the impact on neighboring properties is minimized. Excess material should be immediately removed after completion of construction.

**11. Gutters and Downspouts:** Gutters and downspouts must match those existing in color and design and must not adversely affect drainage on adjacent properties.

**12. Hot Tubs:** Plans for hot tub installation must be submitted to the Association using the procedures specified in Section II-A. It is the homeowner's responsibility to secure proper building permits and to ensure that plans conform to County guidelines. A copy of the Fairfax County permit should be submitted with detailed plans. Hot tubs on second level decks are prohibited. Hot tubs must be covered when not in use.

**13. Exterior Changes to Rear Doors:** When replacing rear doors, the upper doors and patio doors must match in style and must match the color of the home trim.

**14. Attic Fans:** Attic fans must be as small in size as functionally possible and should match the roof or be mill finish (dull silver). They should be located on the backside of the roof to the extent possible and not extend above the roof ridgeline.

**15. Dog Houses and Dog Runs:** These items must be compatible with the applicant's home in color and material or match a natural wood fence. They must be located in the rear yard and be visually unobtrusive.

**16. Recreation and Play Equipment:** All such equipment must be placed in back yards. Consideration must be given to lot size, equipment design and size, amount of visual screening, etc. The height of such equipment may not extend above the fence line.

**17. Storage Sheds:** Applications will be considered on a case-by-case basis. Approved sheds may not extend above the fence line; must have earth tone colors; may be installed in an inconspicuous location; and may not exceed 52" wide x 32" deep x 77" tall.

**18. Trellises/Arbors/Privacy Screening:** The use of vertical trellises and/or arbors will be reviewed on a case-by-case basis. Privacy screening will not be allowed on any deck above ground level. Privacy screening on any ground level deck will be reviewed on a case-by-case basis and should be

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incorporated into the overall design of the deck. In general, anything viewed above the fence line must be approved by the Association.

**19. Solar Panels, Skylights, and Sun Control Devices:** The Board must review and approve all plans for installing solar panels and skylights, as well as sun control devices such as awnings and horizontal trellises.

**20. Exterior Lighting:** Changes to external lighting on the front, rear, or side of a residence must be approved in advance. Fixtures must have a brass or pewter finish and be of a colonial or carriage house style.

### ***F. Prohibited Exterior Modifications***

The following modifications are prohibited in this community:

- Clotheslines, except in rear yards and below the fence line. Any items on the clothesline must be removed prior to 7:00 pm each day.
- Compost piles
- Window-mounted air conditioning units
- Chain-link fences

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### **Section III: Volunteer Committees**

The health of our community depends on the engagement of residents in a range of volunteer activities that preserve the community's character and collective property values.

#### ***A. Board of Directors***

The Articles of Incorporation stipulate that the affairs of the Wellington Commons Homeowners Association will be managed by the Board of Directors. The Board must consist of an uneven number of not less than five (5) nor more than seven (7) members, determined by a vote of homeowners. Each director serves for three years. They receive no pay, although they can be reimbursed for costs incurred because they serve on the Board. Directors can also be removed by a majority vote of the Association.

The Board, which meets once per month, is responsible for the running of the Association, including, but not limited to, setting and collecting assessments; supervising committees, property management, and contractors; enforcing the Association's instruments; obtaining liability and hazard insurance; and maintaining the common areas.

Nominations for the Board are made annually by a Nominating Committee, or may be offered from the floor at the annual meeting of the Association. Election is by secret ballot of the Association members.

#### ***B. Officers***

The President and Vice-President of the Wellington Commons Homeowners Association must be Association members. The Association must also have a Secretary and Treasurer, but they need not be members of the Association. The Board alone votes for these officers.

The President runs all Board meetings and signs most written instruments. The Vice-President acts in the place of the President in his/her absence. The Secretary must record votes and minutes of Board meetings. The Treasurer is responsible for the receipt and deposit of money, disbursement of funds as directed by the entire Board, signing all checks and promissory notes, arranging for an annual audit, preparing an annual budget and statement of income, maintaining records, and reporting the status of funds to the Board. Some of these responsibilities are delegated to the management company, with oversight by the Treasurer.

The Board must appoint an Architectural Review Committee (ARC) and a Nominating Committee, and may appoint (and has appointed) other committees, as it deems appropriate and pursuant to the governing documents. All committee members must be in good standing with the Association.

#### ***C. Architectural Review Committee (ARC)***

The ARC provides advice and assistance to the Board in regards to the exterior portions (front, back, and sides) of dwelling units and other capital assets relating to design, color, and maintenance.

The ARC consists of not less than three (3) members appointed by the Board for two year terms. Only Association members in good standing can serve on the ARC. The committee meets at a time and

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place of their choosing, but meetings are scheduled with advance notification and are open to members at large. The chair of the ARC is self selected among its membership.

### ***D. Nominating Committee***

The Nominating Committee identifies and maintains a list of qualified individuals with an interest in serving on the Board. The list will be used to provide candidates for election to the Board at the annual meeting, should elections be required. It may be used to fill vacancies should a Board member vacate his/her position prematurely.

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