



Drumaldry Homes Association
Architecture Committee
Standards & Procedures

Approved by the DHA Board of Directors: January 26, 2022

I. PURPOSES

- A. To provide clear standards and transparent processes relating to the responsibilities of the Architectural Committee (“AC”) under the Drumaldry Homes Association’s (“DHA”) legal documents (Covenants and By-Laws – see Section IV below).
- B. To clarify the role of the Board and AC within the community and establish a process by which homeowners’ concerns and views are considered on an on-going basis.
- C. To set forth (a) the roles and responsibilities of the AC chair and its members; and (b) the process of review and decision-making relating to requests for architectural alterations. (The AC committee chair is listed on the DHA website for the convenience of the community.)

II. ARCHITECTURE COMMITTEE – ROLES, RESPONSIBILITIES AND MEETINGS

- A. Board Appointments – The Board, following the Association’s Annual Meeting, appoints the following for a one-year term:
 - 1. The AC chair and members who have contacted or been proposed by the previous chair, signed up at the Annual Meeting, and/or otherwise made their interest known, and are approved by the Board.
 - 2. A Board member to serve as liaison to the AC. This individual is used in determining a quorum but can vote at AC meetings only in the case of a tie.
- B. Committee Terms
 - 1. A committee member may serve as AC chair for no more than three consecutive one-year terms.
 - 2. After serving 5 consecutive one-year terms, Committee members should rotate off the AC for a period of one year. The Board, however, in making appointments, may, in its discretion, take into consideration the number of homeowners volunteering to serve and the need for their service.



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3. The Board may revoke membership in the AC for cause, or if a member repeatedly misses meetings. "For cause" is understood to mean for a legitimate specific reason.

C. Duties of the AC Chair

The AC chair is responsible for the following, which he/she may undertake or request the help of others:

1. Set and announce AC meeting dates as needed. Meetings shall occur on dates when a quorum of the AC and Board liaison can be present.
2. Prepare an agenda, indicating the date, time and place of the meeting. The agenda shall be provided to the community no less than 72 hours before the meeting. Agendas should include the address of the property for which any Architectural Alteration Request Form ("AARF") has been submitted and the nature of the request.
3. Run the meetings; ensure minutes are recorded for all meetings. Once approved by the AC, the Chair will have the minutes distributed to the community and posted on the DHA website.
4. Maintain a list of email addresses for all AC members.
5. Report to the Board at its regular meetings.
6. Report to the community at the DHA Annual Meeting.
7. Coordinate communications with homeowners regarding all aspects of queries on architectural issues, including pre-approved elements (features, colors, etc.) and alteration requests.
8. Retain all records of the activities and decisions of the committee and provide them to the DHA management company in a timely manner.

D. Duties of The Secretary

The secretary, appointed by the AC, prepares the minutes of each meeting. The secretary's minutes shall be reviewed for accuracy and approval by the AC. AC members dissenting from AC minutes shall have their dissents recorded in the minutes. Once approved by the



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AC, the Chair shall distribute the minutes to the Board liaison. The minutes will then be posted on the DHA website to ensure homeowners' access.

E. Duties of the Committee – The AC, under the leadership of the chair, shall:

1. Survey the community and provide homeowners with information regarding non-compliant elements preferably every 5 years; (Please refer to the “Resale and Periodic Survey Policies and Procedures” document located on the DHA website for more details.)
2. Conduct an on-going review of the Pre-Approved Building Materials and Architectural Elements List and Pre-Approved Paint Colors, Lights, Gates and Bricks List (the “Pre-Approved Elements Lists”). This would include review of (a) paint and stain colors; (b) building materials; and (c) architectural features. After review, the AC should approve changes and/or additions, and, as appropriate, refer to the Board for approval.
3. Periodically review the AC’s procedures to ensure appropriate review of alteration requests.
4. Review alteration requests and approve, deny (in whole or in part) or, if necessary, refer to the Board for a final decision.
5. Conduct a survey (resale survey) prior to the sale of a property. (Please refer to the “Resale and Periodic Survey Policies and Procedures” document on the DHA website for more details.)

F. Meetings

To carry out its responsibilities, the AC meets on a regular basis, or as required, to address homeowners' requests. Notice of the meetings shall be provided to the community at least 72 hours prior to the meeting and all DHA homeowners are invited to attend.

To address a homeowner’s construction schedule or needs, an AC meeting may be called by providing 72 hours’ notice to the community as called for in the DHA By-Laws.



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III. ARCHITECTURAL STANDARDS AND PROCEDURES

The Association's governing documents preclude homeowners from erecting a structure or making changes or alterations to exterior areas of homes unless they are approved by the Board or AC. This applies whether or not these items can be seen from the street.

A. **Pre-Approved Items (do not require prior approval by the AC)**

The AC has adopted, with the approval of the Board of Directors, pre-approved building materials, architectural features (examples: lights and hardware), as well as paint and stain colors that are set forth in the Pre-Approved Elements Lists. These documents can be found on the DHA website or upon request to the AC chair or management company.

B. **Procedures for the Approval of Architectural Alterations/Exterior Changes that are not Pre-Approved**

1. It is the responsibility of the homeowner to submit an Architectural Alteration Request Form to the AC. The forms are available: on the DHA website (www.Drumaldry.net), in the Homeowner Notebook, from the AC Chair, or from the management company. The form identifies all of the supporting materials which should be submitted with it. These may include photographs, blueprints, drawings, site plans, finish samples, etc. Examples of alterations which require prior approval:
 - a. Change in siding or trim paint color or stain, windows, roof, or an architectural feature that is not on the Pre-Approved Elements Lists.
 - b. Additions and new construction.
 - c. In ground or above ground pool.
 - d. Removal and/or replacement of an original feature or element.
2. No alteration should be undertaken before the AC has reviewed and approved a project. Doing so may result in additional expense for the homeowner if design alterations or proposed materials or building elements do not meet with AC approval.



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3. The AC shall review and approve or disapprove, within 30 days of its receipt of an application, any request for a change which is not specifically permitted on the Pre-Approved Elements Lists. In the event that the AC cannot reach a decision, it shall refer the matter to the Drumaldry Board. In such a case the Board shall have an additional 30 days to reach its decision. Should the application be denied by either the AC or the Board the applicant may revise the application and submit it for reconsideration. The applicant may also appeal such a denial to the Board which shall have 30 days to reach a decision on the appeal. Any such appeal must be lodged in writing with the Board president within 60 days of the decision which is being appealed. Upon appeal, the Board may enter into negotiations with the homeowner with the intent of reaching a mutually acceptable compromise on a case-by-case basis. All decisions made by the AC or the Board shall be communicated to the applicant within 7 days of the decision being reached. The published agendas for upcoming AC meetings shall include the address of any property for which an AARF has been submitted and will be reviewed at the meeting.
4. The DHA approval process is in addition to any county permit and approval processes and may be, in some instances, stricter than county requirements. Obtaining a permit and proper inspections does not fulfill the requirement for DHA review.
5. Documentation must be included on the AARF of notification (not approval) of all neighbors whose property abuts the homeowners, or who are in the immediate vicinity and may be impacted. For example, those whose property has sight lines to the proposed changes.
6. DHA's review, carried out by AC, considers both the architectural harmony of the community and the specific location of alterations on the property, not the suitability or structural integrity of the project.
7. The AC requests that homeowners submit an AARF at least five (5) days prior to its next scheduled meeting. Alteration requests received fewer than five days before an AC meeting may not provide the AC members enough time to review the request, visit the property or prepare questions to the homeowner in time for deliberation at the forthcoming meeting. While efforts will be made to fairly consider these requests, it is more likely that unanswered questions will result in an initial denial. In addition, the required neighbor signatures will need to be included on the AARF before any request will be accepted for deliberation.



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8. Homeowners submitting alteration requests to the AC are welcome to make their presentations in person, and may, if they wish, remain at the meeting during the committee's decision-making process. All AC meetings are open to the community.

C. **Form Completion and Further Requirement**

A complete **AARF** should be accompanied by a list of all materials and supporting documentation which shows location, color and specifications of material when appropriate. This documentation may include photographs, blueprints, drawings, site plans, finish samples, supplier brochures or ads, etc.

Incomplete submissions will be handled in the following manner:

1. If, after resubmission, the AC still determines that it has inadequate information, the homeowner will be informed in writing by email or by hand delivery that the committee has disapproved the application.
2. Another application with complete documentation may then be submitted by the homeowner for the committee's consideration. This would normally be done at the committee's next regularly scheduled meeting; however, the committee may, in its discretion, consider the reapplication sooner. In any event, the new application must be decided upon within 30 days of resubmission.
3. To allow time for the AC to review the request and visit the location of the applicant prior to the meeting, the AC chair will distribute the AARF and relevant supporting information to AC members at least 48 hours in advance of consideration of the request.

D. **Applications**

1. A quorum, or a simple majority of the membership of the current AC, is required for the consideration of an application.
2. A majority of those voting at an AC meeting, by telephone or other electronic communication, is required for approval of applications. For example, if a quorum is four, then the number required for approval would be three members.



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3. If a quorum is not reached for the consideration of, or a vote on, an application at any meeting, the AC chair or a majority of the members present may call for a vote by telephone or electronically.
4. No project request will be approved unless all aspects, such as materials or architectural features, meet the community's standards.
5. To assist homeowners, the AC is willing to review preliminary designs or ideas and will try to provide guidance. A completed AARF is not required for this. The homeowner should be aware, however, that no alteration should begin until approval of the final design is received.
6. If a project request is disapproved, homeowners should understand that the project may not proceed. If they do proceed, it is at their own risk. Upon disapproval of a project, the AC will:
 - a. Notify the homeowner of the specific issues;
 - b. Provide the homeowner with the opportunity to resubmit the request with all appropriate documentation; and
 - c. Review the new proposal at a regular or special meeting as appropriate.
7. In accordance with the Covenants, if the AC "fails to approve or disapprove an alteration request within thirty (30) days after said plans and specifications have been submitted to it, approval will not be required."
8. Resubmission following a denial should include any changes or amendments requested by the AC. This will require a new or amended application, which will be decided on within 30 days of the resubmission date. Review of this application and its supporting documentation would normally be done at the AC's next regularly scheduled meeting. The AC may, in its discretion, consider the reapplication sooner.



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E. Procedures for Non-Compliance

1. The AC will make the Board aware, in a timely manner, of a homeowner who has made an unapproved and/or non-compliant change or who has not complied with the AARF approval process.
2. The Board will then inform the non-compliant homeowner in writing of the next steps to bring the house into compliance. Each letter would explain that:
 - a. There is a 90-day deadline to complete the work required for compliance.
 - b. In the event the homeowner is unable to comply with that deadline, he/she has 45 days from the date of the Board notice to provide the Board with an explanation why the 90-day deadline cannot be met.
 - c. The homeowner can also file an appeal with the Board within 30 days of the date of the Board notice.
3. If the homeowner takes none of the actions described above, the Board may act, at its discretion, to compel compliance, including referral to the Montgomery County Office of Common Ownership Communities or the DHA counsel.

IV. LEGAL BACKGROUND

The following DHA documents guide the work of the AC

Declaration of Covenants, Conditions and Restrictions

Article VI of the DHA Covenants states:

“No building, fence, wall antenna, swimming pool or other structure shall be commenced, erected or maintained upon the properties, nor shall any exterior addition to or change or alteration therein be made until the plans and specifications showing the nature, kind, shape, height, color, materials and location of the same shall have been submitted to and approved in writing as to harmony of external design and location in relation to surrounding structures and topography by the Board of Directors of the Association or by an architectural committee composed of three (3) or more representatives appointed by the Board. In the event [the] Board, or its designated



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committee, fails to approve or disapprove such design and location within thirty . . . days after [the] plans and specifications have been submitted to it, approval will not be required”

Article VII, section 6 states:

“No person shall paint the exterior of any building, wall, or other structure a color different than the original color ...without the proposed color having been approved by the Board of Directors of the Association, or by an Architecture Committee...”

Article VII, section 7 states:

“No structure or addition to a structure shall be erected, placed or altered on any lot until the plan and specifications, including elevation, material, color and texture and a site plan including landscaping, ... shall be filed with and approved in writing by the Board of Directors of the Association or an Architecture Committee appointed by the Board. Structure shall be defined to include any building or portion thereof, fence, wall, pavement, driveway or appurtenances to any of the aforementioned.”

DHA By-Laws

Article IX, section 1(a) of the By-Laws states:

“The [Architecture] Committee shall recommend to the Board procedures, materials, and other policies concerning property appearances subject to the Declaration. Once such recommendations are approved by the Board, the Committee shall communicate them to the community.”

“The Committee shall also create a process to consider owner requests for property changes, including notice of the owner’s right to appeal denials as well as safeguards providing notice to other owners to allow an appeal of approvals to the Board. . . The Committee shall use this process to review all owners’ requests for changes.”



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Article IX, section 4 of the By-Laws states:

“Any member who disputes an action of a committee may appeal to the Board of Directors for resolution of such disagreement. Appeals must be timely. A homeowner’s notice of appeal must be communicated in writing to the President or Secretary of DHA. Appeals taken more than sixty (60) days after the homeowner has received written notice from the President or Secretary . . . of the homeowner’s right to appeal shall not be considered timely. The Board of Directors shall be the final authority within the Association for the resolution of disputes.”