

APPENDIX A  
HADLEY FARMS COMMUNITY ASSOCIATION  
ARCHITECTURAL CONTROL GUIDELINES

## HADLEY FARMS COMMUNITY ASSOCIATION ARCHITECTURAL CONTROL GUIDELINES

This appendix establishes the Hadley Farms Community Association (HFCA) Architectural Control Guidelines as authorized by the HFCA Covenants Article V, "Architectural Control." This provision states that:

No building, fence, wall 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 (including change in color) until the plans and specifications showing the nature, kind, shape, height, 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 concept for the community of Hadley Farms by the Board of Directors of the Association, or by an architectural committee composed of three (3) or more representatives.

### ARTICLE I ACC APPLICATION PROCESS

All homeowners shall submit an Architectural Control Application form for external property design modifications as stated in Article V of the HFCA Covenants, such that the properly completed application can be reviewed by the ACC and a decision made within the required thirty days. For the purpose of the 30 day requirement and that the Committee meets on the same day monthly, all applications are considered received when that certain monthly date passes. Forms shall be made available to homeowners through the ACC, or from the Property Management Company, as well as on the community website [www.HadleyFarms.org](http://www.HadleyFarms.org).

Applications must be submitted in writing with the required number of copies, to the ACC. No verbal applications will be accepted. Each individual alteration, modification, or addition requires individual approval, even if a similar or substantially identical alteration has been previously approved for any lot in the association. Prior ACC approval of a modification does not necessarily constitute a precedent.

On the form, a graphic description such as a site plan (plot plan), building plans, elevations, types of materials to be used, color description, and drawings or photos will be required for proper consideration. Also required will be a final location plat of survey depicting location of said modifications. If a homeowner fails to provide the necessary information in order for the ACC to review the application, then the application will be returned to the homeowner for the additional information. In such an instance, the 30 (thirty) day review period for a decision will begin when the ACC deems the application returned and complete. The application is considered received when it is reviewed by the ACC at a regularly scheduled meeting.

If the homeowner requests, an ACC member or the management agent will review the application process with the homeowner to ensure that the form is properly filled out

The Architectural Control Application form must be signed by all immediate home owners whose property is adjacent to the proposed external design modification. Adjacent home owners must also initial each page attached to the application (plat, diagrams, pictures, etc.) as evidence that they have seen these. These signatures and initials are intended to constitute as evidence that the adjacent home owners have been informed of the change. These signatures and initials do not represent the adjacent home owner's approval of the project. Adjacent home owners wishing to express concern regarding the proposed external modification may do so in writing to the ACC or the management agent or in person at the next scheduled ACC meeting.

ARTICLE II  
ACC APPLICATION REVIEW/APPEAL PROCESS

All applications will be reviewed by the ACC during regularly-scheduled ARC meetings or may be reviewed in special session as required to process the applications. The ACC has the option of having committee members conduct a preliminary site review, if deemed necessary. Adjacent home owners may also be asked to comment on the proposed project. Homeowners are encouraged to attend the ACC meeting to comment on the proposed modifications. **All modifications which require County or other governmental approval (permits) are also subject to ACC Approval. All ACC approvals require all necessary permits to be obtained before or after ACC approval has been obtained.**

During the review process and vote on Architectural Control Applications, the ACC shall be guided by this Appendix to determine if the proposed project shall be approved. Any application not falling within the guidelines or missing required information shall be disapproved, and either returned to the homeowner for the necessary information or turned over to the Board of Directors with the ACC's recommendation that a special exception be granted.

Within 10 (ten) days of the ACC meeting, the applicant will be informed in writing of the ACC's decision on the application. The Property Manager or ACC Chairperson shall sign the notification letter.

All approved external design modifications must be completed within I (one) year from the date of the ACC approval. If the change is not completed within this time, the homeowner must submit a new application, as, outlined in Article IV, Section 2 of the Covenants.

All homeowners for which applications have been denied will be notified by the ACC and will be sent an explanation of the denial and how to appeal the denial. The homeowner may appeal the ACC action to the Board of Directors to overturn the ACC decision. However, the 30 (thirty) day limit shall no longer be in force, since action was taken on the original application by the ACC. The Board of Directors is the highest HFCA appeal authority. Decisions of the Board acting on an appeal, maybe appealed to the Commission on Common Ownership Communities which is part of the Montgomery County's Department of Consumer Affairs. An appeal of the BoD may be appealed to the courts of appropriate jurisdiction.

ARTICLE III

NON-COMPLIANCE THE ARCHITECTURAL CONTROL GUIDELINES

Section I

All alleged cases of non-compliance with these Architectural Control Guidelines shall be processed per the requirements of the HFCA Rules and Enforcement Policy.

ARTICLE IV  
ARCHITECTURAL CONTROL GUIDELINES

Section I

The ACC evaluates all Architectural Control Applications for external design modification on individual merit. The primary considerations are the individual site, the characteristics of the housing type, and the following criteria:

**1. Design Compatibility**

The proposed change will be consistent (harmonious in architectural style) with the architectural characteristics of the applicant's house and the neighborhood settings. Materials, colors, proportions and construction details must be compatible with the appearance of the local area.

**2. Location**

The proposed change will relate favorably to the landscape, the existing structures, and the neighborhood. The primary concerns are access, drainage, view, sunlight, ventilation, and safety. The proposed change must also be located within the property boundaries.

**3. Scale**

The size of the proposed change will relate well to the existing structures and the neighborhood

**4. Color (also see number 20 below)**

The color of the proposed change must be harmonious with existing structure and other structures within the community. Any changes to existing colors must be submitted to the ACC for prior approval.

**5. Materials**

All materials used will be of equal or better value than existing structures. Only the exterior materials existing on the present structure or compatible the architectural design character of the community will be approved.

**6. Workmanship**

The quality of work will be equal or better than that of the surrounding area.

**7. Safety**

The project must fully comply with the building code of the Montgomery County Board of Environmental Protection, if such code is applicable. It must be constructed so that it does not pose any risk to the homeowner, guests, or neighbors.

The following are specific guidelines for the external design modifications, that are most common and for which the ACC approval will usually be granted unless specifically stated otherwise. Unless noted otherwise, submission of an architectural modification is always required. These are guidelines only, the ACC may deviate at their discretion.

## 1. Fences

- A. In cases where the main entry to the home is on the side of the unit (rather than front facing street or walk) the fence may not be installed forward of the main entry door (Elioak Section).
- B. Gates must not deny access to any utility company employees.
- C. A photo or drawing of the proposed fencing style, along with the plat of your property showing the proposed location for the fence, must be submitted with the application. The ACC reserves the right to reject an application to construct any fence, which is not in architectural harmony with the neighborhood, neighbor's house and with the applicant's house.

Prior approval is required before any fence can be constructed. The following rules are for general guidance:

- D. a. No fencing of any sort shall be permitted to surround the front yard areas. Fencing shall not extend beyond the front corners of the house. Additionally, if your house sits forward of the house on either side, the fence may not extend forward of the front corner of the adjoining house(s) on its lot. Exceptions may be granted for corner lots where this restriction is found to be inappropriate.
- b. Chain link fencing of any kind is not permitted.
- c. Privacy or board-on-board fence styles will be restricted to use to the following; (a) they may be installed by the owners of townhouses and in Cinnabar and Filbert sections or by (b) the owners of single-family houses that back up to other communities, Hadley Farms Drive or Woodfield Road. (c) Where permitted, privacy fences must be constructed of pressure-treated pine or naturally insect and weather-resistant wood such as cedar, redwood, cypress, teak or locust, (synthetic materials maybe used where approved by the ACC) with a maximum height of 6 feet between posts. The finished side of the fence must face away from the house. *Fences may be stained, but only with colorless or natural wood colors. If a colored stain is to be used it must have prior approval from the Committee.* (revision 7/04) Fences must not interfere with vehicular safety.
- d. Fences for single-family detached homes may be constructed in a variety of styles, including split rail, estate, picket, post and board and cross buck styles. These fence styles may not exceed a height of four (4) feet between posts. Fences must be constructed of pressure- treated pine or naturally insect and weather-resistant wood such as cedar, redwood, cypress, teak or locust. Only the posts must be insect resistant. Rails may be constructed of spruce wood. Galvanized wire mesh may be installed on the inside of the fence, as long as the mesh does not overpower the wooden portion of the fence. Wire fencing unsupported by a wooden fence is not permitted. Ornamental iron gates and brick piers will be considered on a case-by-case basis.
- e. (Elioak, Tygart, Filbert, Mayhill and Mattingly sections only) In cases where rear divider fencing is being extended beyond the original developer installed fencing; the fencing must match as closely as possible in style. This does not apply to the back property line fences.

## **2. Divider Fences Between Town Houses and The Homes in the Filbert Section**

The cost to repair and replace the length of the originally provided sections of fence included in the section shall be shared equally between the two properties sharing the fence. The end units are solely responsible for the sections of fence which is not shared. The ACC shall act as arbitrator should one property owner not fulfill their obligation under this section. The Board of Directors shall have the authority to order the repair/replacement and charge back the owner or owners who would have been responsible..

## **3. Decks/Patios (see Porches number 22 below)**

Decks must be constructed of pressure treated or naturally weather-insect resistant types of wood, such as cedar, redwood or teak (synthetic materials maybe used when approved by the ACC). Only colorless wood preservatives may be applied unless a colored preservative/stain or paint is specifically approved by the ACC. Addition of lattice screening either below or above an existing deck may be added with the approval of the ACC. Decks and patios may not interfere with proper drainage. All such structures must be within the boundaries of the lot.

### **4. Patios**

Patios require ACC approval. They must not interfere with proper drainage and must be located in the rear yard.

### **5. Sidewalks and Railings**

Sidewalk and walkway additions or changes to builder-provided styles require ACC approval. Gravel walkways are strictly prohibited except where the gravel is used as a base/fill between stones. In these cases, the gravel color must blend with the architecture of the neighborhood. Railing styles require ACC approval.

### **6. Storm Doors**

Storm doors must be the color of the front door or house trim, or may be white or black or brown. Unpainted wood or aluminum is not permitted. As long as these guidelines are followed, ACC approval for storm doors is not required.

### **7. Sheds**

Sheds must be unobtrusive, generally located in the back yards and in no instance may it come forward of the front corner of the adjoining neighbors' houses. Sheds must conform to the color, material and code restrictions, if applicable. The color of the shed shall match the color of the trim or siding of the applicant's house. The maximum height of the shed shall not exceed eight (8) feet. No more than one shed per address.

### **8. Chimneys**

Chimneys will be faced with brick, stone or the same siding as the applicant's house.

## 9. Retaining Walls

Any retaining wall lower than 3 feet in height, which merely levels off the foundation planting area, does not require ACC approval. However, the construction material must be landscape timbers, railroad ties, stacked stone, or faced with brick or stone. Exposed cinder blocks may not be used as a retaining wall. Retaining walls not fitting the above description require ACC approval before installation. Retaining walls which divert ground water onto adjoining properties or which otherwise substantially change the existing drainage patterns will not be permitted.

## 10. Play Equipment

Any children's play equipment which does not require concrete footings, such as sandboxes, playhouses, swing sets, tents, or tree houses does not require the approval of the ACC provided that such equipment is located in the rear yard and is in good repair. Height of such play equipment may not exceed 8 feet. The ACC discourages the use of metal play equipment due to rusting.

**Any play equipment which requires installation upon concrete footings must be approved, by the ACC prior to installation.**

## 11. Exterior Lighting

Exterior Lighting shall not be directed in such manner as to create an annoyance to the neighbors. ACC approval is not necessary for low-voltage landscape lighting. The installation of high-voltage security lights does require ACC approval, since the placement of these can interfere with traffic flow at night and/or be obtrusive to neighbors.

## 12. Awnings

Awnings are not considered as enhancing the aesthetic qualities of the community and are therefore not allowed on the front of the home. Metal awnings of any type are not allowed. Awnings may be placed in the rear of a property if they are of a fabric that coordinates with the exterior of the home. ACC approved is required, samples of fabric must be included with the application.

## 13. Landscaping,

Landscaping work and planting in general does not require ACC approval. However, lawns, landscaping work and planting general hedges and shrubs must be well maintained, must not interfere with the ability to safely view vehicular traffic or proper drainage. Yard maintenance must comply with Article VII, Section I of the Covenants of Hadley Farms, which we here cite, with wit:

"...each Owner shall keep each lot owned by him and all improvements therein or thereon, in good order and repair and free of debris, including but not limited to the seeding, watering and mowing of all lawns, the pruning and cutting of all trees a shrubbery ... all in a manner consistent and with such frequency as is consistent with good property management. In the event an Owner of any Lot in the Properties shall fail to maintain the Lot and the improvements situated thereon, the Association, as provided in the Bylaws and with the approval of the Board of Directors, shall have the right to enter upon said Lot to correct drainage and to repair, maintain, and restore the lot ... All costs related to such corrections, repair or restoration shall become a lien upon such Lot..."

Homeowners are asked to exercise caution and not plant any sort of extremely invasive vegetation which may become uncontrollable. Homeowners are also asked not to plant any tree, shrub hedge, etc which would adversely affect their neighbors.

#### 14. Exterior Antennas

The Architectural Control Committee approved the following guidelines, effective May 1, 1997. The FCC's implementation of Section 207 of the Telecommunications Act of 1996, has preempted ARTICLE IV, Section 1, Paragraph 13 of the Architectural Control Guidelines and ARTICLE VI of the Declaration of Covenants, Conditions and Restrictions for the Hadley Farms Community Association to allow homeowners to install antennas on their property. The term antenna includes instruments used to accept signal reception such as satellite dishes and televisions broadcast antennas. Still prohibited are shortwave and other types of non-video antennas.

Prior to installation of an antenna, homeowners must submit notification to the ACC including "type of antenna, site of installation (house location survey), whether any guidelines are being violation; If so, include an explanation of why the antenna/dish must be situated in this area or manner, and provide documentation from the installer to support such claims. In addition, describe the method and manner of installation. All installations must be on the homeowner's property.

The types of antennas that can be installed are: 1) direct broadcast satellite (DBS) dishes one meter (39.37 inches) in diameter or less, 2) multi-channel, multi-point distribution systems (MMDS) antennas less than one meter in diameter with masts not exceeding twelve feet above the roof line. Homeowners may not install more than one of the same service provider's antennas on their property.

Providing that acceptable reception can be received, homeowners must install any satellite dish in the rear of the house or the rear portion of the roof. For other than backyard installations, homeowners must make a reasonable attempt to have the satellite dish blend with the color of the roof or wall.

As long as reception is not impaired, television broadcast antennas must be installed in the homeowner's attic. If signal reception is impaired (as certified by an independent expert in the related field) the homeowner must submit the aforementioned notification to the ACC. Outdoor installation of an antenna should be located in the backyard or attached to the rear of the dwelling or roof. If adequate reception can be received with antenna installation on the ground, rooftop installation is prohibited.

The FCC preemption does not place any obligation on the association to make architectural or landscaping changes, such as trimming or removing trees located on common property, to permit a homeowner to receive an acceptable signal. Homeowners may not cut down any trees on common property. Homeowners must submit a request detailing the extent of the need of trimming to the ACC for permission to trim the trees that are blocking the reception of an adequate signal, at the homeowner's expense.

Antennas must be maintained in properly working condition, allowing for normal wear. A damaged antenna must be immediately repaired or removed.



Received \_\_\_\_\_

**HADLEY FARMS COMMUNITY ASSOCIATION**  
7420 Hadley Farms Drive  
Gaithersburg, NM 20879  
**Notification of Antenna and/or Satellite Dish Installation**

Property Owner(s) Name: \_\_\_\_\_

Address: \_\_\_\_\_

Day Phone: \_\_\_\_\_

Evening Phone: \_\_\_\_\_

The following must be included:

Type of antenna, site of installation, whether any guidelines are being violated, and if so, explain why the antenna/dish must be situated in this area or manner. (A site inspection can be scheduled and a meeting to discuss installation manners to conform to guidelines.) Provide documentation from the installer to support unacceptable reception claims. Also, describe the method and manner of installation.

**Please Be Advised of the Following Restrictions**

The types of antennas that can be installed are: 1) direct broadcast satellite (DBS) dishes on meter (39.37 inches) in diameter or less, 2) multi-channel, multi-point distributions systems (MMDS) antennas less than one meter in diameter with masts not exceeding 12 feet above the roof line or 3) television broadcast antennas (designed to receive local broadcast stations), any size. A homeowner may not install more than one of the same service provider's antennas on his/her property. Shortwave and other types of non-video antennas are prohibited.

Providing that acceptable reception can be received, the homeowner is to install any satellite dish in the rear of the house, attached to the rear of the house or the rear portion of the roof. For other than backyard installation, the homeowner must make a reasonable attempt to have the satellite dish blend with the color of the roof or wall.

As long as reception is not impaired, television broadcast antennas must be installed in the homeowner's attic. If signal reception is impaired, the homeowner must submit the aforementioned notification to the ACC. Outdoor installation of an antenna should be in the backyard or attached to the rear of the dwelling or roof. If adequate reception can be received with antenna installation on the ground, rooftop installation is prohibited.

The FCC preemption does not place any obligation on the Association to make architectural or landscape changes, such as trimming or removing trees located on common property, to permit a homeowner to receive an acceptable signal. **Homeowners may not cut down any trees on common property.** Homeowners must submit a request detailing the extent of the need of trimming to the ACC for permission to trim the trees that are blocking the reception of an adequate signal at the homeowner's expense.

Antennas must be maintained in proper working condition, allowing for normal wear. A damaged antenna must be repaired or removed.

Owner's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Co-Owner's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## 15. Swimming Pools, Hot Tubs and Ponds

Temporary children's wading pools, having a depth of less than 24 inches, are allowed in the rear or side yards only. Spas and hot tubs are allowed, however the application must indicate that an approved safety cover will be installed- An approved safety cover is one which is not easily removed by a child, and which can support the weight of a child (in case a child falls on top of the cover). Approvals for hot tubs/spas will be granted only after consideration of the effect a tub will have on surrounding lots. Ponds are considered landscaping elements, and do not require approval.

a. Neighborhoods #1 through #6 (Cinnabar, Filbert, Mayhill, Elioak, Tygart, and Mattingly): Permanent back-yard swimming pools are not allowed.

b. Neighborhood #7 (Parkside only): Hot Tubs and Spas, children's temporary pools, and ponds are allowed with the same regulation as above. County permits are required. Approvals for permanent backyard swimming pools will be considered on a case-by-case basis only under the following circumstances:

- Only in-ground pools are allowed.
- Pool must be fully located within the building restriction lines of the plot. Safety covers must be installed, and kept closed during all periods of prolonged non-use.
- No diving boards are permitted.
- No swimming pools will be allowed on lots, which in the opinion of the ACC. will cause undo disturbance to adjoining lots. Pools may not be placed on lots in areas of congestion.

No pool will be permitted if the pool is not in proportion to the lot. The pool may not dominate or overwhelm the lot in the ACC's opinion

Lot must be surrounded by a 6 foot fence.

## 16. French Doors

French Doors to replace existing windows or garage doors shall be allowed, but must be approved by the ACC. Colors of such doors must be compatible with the exterior color of the house.

## 17. Patio Doors

Patio swing doors to replace existing sliding glass doors or windows shall be allowed, but require ACC approval. They must be constructed of metal or wood and must be compatible with the style of home. The color must be compatible with the exterior color of the house.

## 18. Basketball Standards

Basketball backboards or hoops affixed to the area above the garage door require ACC approval. Freestanding basketball standards must be located in such a place as to assure possible overthrows will not intrude on other lots. Basketball back-boards, hoops and standards must be maintained in good repair.

Townhouse units in Elioak and Tygart may not install basketball backboards, or hoops, due to lot size.

19. **Porch Railings and Exterior Trim**

Porch railings, decorative fascia board or exterior trims may be added with the approval of the ACC. The modification must be architecturally compatible with the design of the house and blend with other houses in the same section. Colors must match the current exterior trim color.

20. **Changing The Color Of The House**

Changes in existing house color will be considered, if the proposed change is compatible with the other houses in the same section of the Hadley Farms Community. **Changes in color require ACC approval.** Rearranging the same colors on the house (for example, changing the shutters to match the door) does not require ACC approval. Restrictions may be imposed as to color changes which duplicate the colors of the houses directly adjacent or directly across the street.

Repainting the previously painted exterior surfaces with the same exact colors does not require ACC approval. In repainting, the homeowner must make a good-faith attempt to exactly duplicate the original exterior colors, the same with replacement of siding. **It is better to gain the Committee's approval, if there is a doubt as to complying with this section.**

21. **Major House Additions**

Major additions to houses require ACC approval and will be considered on an individual basis. No additions will be permitted for townhouses because of their relatively small lot size. All construction must match the original design concept of the house. The homeowner must include architectural plans in addition to the normal submission requirements. The review and approval process may need to be extended so that the ACC may fully consider the plans for the addition.

22. **Addition of front or back porch (see Decks number 2 above)**

Addition of a porch requires ACC approval. For front porches, the construction materials and colors must match the existing materials and colors on the house and the design must be consistent with that of the house. In the case of rear porches (covered decks) the roofing matching the existing roofing material. Addition of any porch or deck may not interfere with proper drainage.

23. **Clotheslines**

Exterior clotheslines, of any sort, temporary or permanent are not permitted. They are specifically prohibited.

24. **Basement Window Replacement**

Replacing the existing basement window with glass block does not require ACC approval.

25. **Window air conditioner units**

Window air conditioning units are not acceptable, except in instances of medical necessity which are supported by documentation from a physician. Approved window units must be removed during the cold seasons when the unit is not needed.



**26. Logs and Timber (Firewood)**


All firewood must be kept in the rear or side yards. Leaving firewood in the front yard or on the driveway for extended periods of time (may be left there only a reasonable period after delivery) is not permitted.

Section 3

Approval of any project by the ACC does not waive the necessity of obtaining the required permits from the Montgomery County Department of Environmental Protection or from the Maryland Capital Area Park and Planning Commission. Obtaining a local permit does not waive the necessity of obtaining ACC approval. The ACC is not responsible for approval of a project that may violate the local building or zoning codes.

Section 4

Home improvement project or exterior design modifications not specifically mentioned in this document shall follow the approval process provided in this Guideline.



**HADLEY FARMS COMMUNITY ASSOCIATION  
POLICY RESOLUTION  
ARCHITECTURAL GUIDELINES**

Effective: August 27, 2019

WHEREAS, Article VII, Section 1 of the Bylaws state that “The Board of Directors shall have the power to...adopt and publish rules and regulations;” and

WHEREAS, the Board deems it necessary and desirable to permit all residents to have the right to install privacy fences;

NOW, THEREFORE, BE IT RESOLVED THAT the Hadley Farms Community Association Architectural Guidelines, Section 1“Fences”, sub section C(d) be amended to state:

“Privacy or board-on-board fence styles are permitted, provided that they be constructed of pressure-treated pine or naturally insect and weather-resistant wood such as cedar, redwood, cypress, teak or locust, (synthetic materials maybe used where approved by the ACC) with a maximum height of 6 feet between posts. The finished side of the fence must face away from the house. Fences may be stained, but only with colorless or natural wood colors. If a colored stain is to be used it must have prior approval from the Committee. (revision 7/04) Fences must not interfere with vehicular safety.”

**HADLEY FARMS COMMUNITY ASSOCIATION  
POLICY RESOLUTION  
ARCHITECTURAL GUIDELINES**

Proposed: November 4, 2020

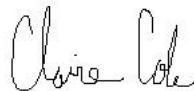
Effective: November 24, 2020

WHEREAS, Article VII, Section 1 of the Bylaws state that “The Board of Directors shall have the power to...adopt and publish rules and regulations;” and

WHEREAS, the Board deems it necessary and desirable to ensure consistency and harmony in approved fence styles;

NOW, THEREFORE, BE IT RESOLVED THAT the Hadley Farms Community Association Architectural Guidelines, Section 1“Fences”, sub section D(c) which was revised and adopted August 27, 2019 be amended to state:

“Privacy or board-on-board fence styles are permitted, provided that they be constructed of pressure-treated pine or naturally insect and weather-resistant wood such as cedar, redwood, cypress, teak or locust, with a maximum height of 6 feet between posts. Synthetic materials may be approved in natural wood colors. No white vinyl or white synthetic fences are permitted. The finished side of the fence must face away from the house. Fences may be stained, but only with colorless or natural wood colors. If a colored stain is to be used it must have prior approval from the Committee. Fences must not interfere with vehicular safety.”



---

President of the Hadley Farms Community Association