

# SFHOA Policy Resolution 18-1

---

August 2018

Stanley Forest Homeowners' Association, Inc.  
P.O. BOX 1941 | WOODBRIDGE, VIRGINIA 22195



INFORMATION: This policy resolution was adopted and became effective on 6 August, 2018. It provides clarification of the SFHOA Common Area Tree Management policies, procedures and general property owner responsibilities.



STANLEY FOREST HOMEOWNERS' ASSOCIATION, INC.

POLICY RESOLUTION NO. 18-1

(Policy to clarify Common Area Tree Management policies and property owner responsibilities)

WHEREAS, the beauty and maturity of our natural forest within the Stanley Forest Common Area may from time to time, pose a threat to our private property from encroaching limbs or occasional acts of nature/God, causing limbs or trees to fall onto and perhaps damage our personal property, property owner members of Stanley Forest Homeowners' Association have state and local laws available to provide guidance, precedence, and remedy for resolution.

WHEREAS, unless negligence can be proven otherwise, damage to your property from falling trees or branches due to a storm, or other "Acts of Nature"/"Acts of God" event, is generally **your** responsibility, with the help of your homeowners' insurance, if covered, regardless of from where the tree may have fallen.

WHEREAS, the Stanley Forest Homeowners' Association Board has canvassed other local Associations concerning their Common Area tree policies; sought legal counsel to ensure compatibility with Virginia and Prince William County laws and regulations; and provide a tranquil naturally forested habitat for the health, safety, and welfare to our residents.

NOW, THEREFORE, the Board of Directors of the Stanley Forest Homeowners' Association, Inc. adopts the following policy and procedures:

1. **Common Area Tree Maintenance.** To support the various clean water acts of Virginia and provide a natural forested habitat within our community, the Stanley Forest Common Area has been allowed to grow freely into a natural, full life-cycle, forested habitat with human activity confined mainly to the maintained gravel walking/exercise paths and the few mowed grassy areas. Trees are allowed a full life cycle from seed to maturity and death. When they die and fall, they are allowed to decay in-place unless they obstruct one of the walking paths or fall into a mowed area where they will be cleared and moved within the natural habitat common area. The Board diligently seeks to balance the desirability of maintaining our forested common grounds with the occasional need to cut back or fell certain trees that pose an imminent danger of actual harm to adjoining property.
2. **Common Area Dumping Policy.** Because of the natural water flow throughout our community and into our Common Area containment basin, into Lake Montclair, and ultimately into the Chesapeake Bay, SFHOA resident members should not use our Common Area as a dumping ground for personal property cleanup debris. Leaves, grass cutting, shrub or tree limbs, and trees from resident lots should be disposed of at the Prince William County Landfill. If a tree limb, or unfortunately a tree, falls from the Common Area onto your property, then the debris from the Common Area tree may be returned to the Common Area for disposal and natural decay.
3. **Common Area Tree Branch, Limb, or Root Encroachment.** As a SFHOA property owner, you have a legitimate legal right to "self-help" at your own expense, by trimming common area tree branches at your property line when they encroach from adjoining property, neighbor's



- property or the common area, as long as the “self-help” does not damage or kill the tree. Debris created by your “self-help” trimming should be disposed of at the Prince William County landfill.
4. **General Common Area Tree Policy.** The Stanley Forest HOA Board's long-standing and carefully followed practice has been to:
    - Investigate any questionable tree observed by Board members or brought to the Board's attention to determine whether it poses an imminent danger and should therefore be cut back or felled. Based on the Board's understanding that it is virtually impossible for even an experienced forester to predict when a live tree may fall or lose limbs, the Board does not cut back or fell live trees.
    - For a dead or dying tree, the Board observes the tree and, if necessary, contracts an arborist to make a judgment whether the tree is an imminent danger. Characteristics that suggest an imminent danger include, for instance, that the weight and height of the tree suggest that it is likely to fall onto a home or property and do significant damage.
    - In situations where the Board does not judge any HOA action is required, homeowners may nevertheless be concerned about a common ground tree. If so, the homeowner must contact the Board by phone, email, written correspondence, or in-person, and request permission to take such steps, at their own expense, such as cutting a tree back beyond their property line or felling it within the common area. The Board makes case-by-case decisions after observing the tree and the problem identified by the homeowner.
    - Given our forested common grounds, it is inevitable that occasionally a tree or part of a tree will fall within Common Area or adjoining property. When it does so within the Common Area, the SFHOA will remove any obstruction to the exercise trail or when a mowed area is affected. If a tree falls onto a homeowner's property, the homeowner is responsible for taking care of the portion of the tree on their property. Homeowner's insurance policies may assist with the cost of cleanup and any necessary repairs. The HOA will do any needed cleanup of the portion of the tree in the common ground.
  5. **Common Area Tree Removal Request due to perceived imminent danger.** No tree shall be removed from the Stanley Forest Common Area without specific permission of the SFHOA Board of Directors. Property Owners should routinely observe adjoining vegetation growth and limb encroachment, taking “self-help” remedy when appropriate. Although not required, property owners are encouraged to communicate their self-help intentions with their neighbor or SFHOA Board as a courtesy. If a SFHOA resident member observes a Common Area tree as an imminent danger to their property, they must immediately contact any member of the SFHOA Board of Directors by phone, email, written correspondence, or in-person conveying the specifics of the perceived imminent danger. The SFHOA Board member will use the SFHOA Common Area Tree Removal Form to record and document the member's request.
  6. **SFHOA Common Area Tree Removal Form.** Exhibit A is provided to record and document a request for Common Area Tree removal. It is intended to be used by the SFHOA Board Member who initially receives the Tree Removal Request from a Homeowner Member and provides documentation for the findings and Board decision.
  7. **Common Area Tree Inspection.** This SFHOA Board Policy strives to reach an agreement between SFHOA property owners' concerns and the welfare of the Stanley Forest HOA community. A joint physical/visual inspection with a representative of the property owner and at least two



SFHOA Board members must be scheduled as soon as possible after the initial tree removal request is made. If during the joint inspection, a contract arborist is deemed necessary to support a sound decision, then an inspection with the arborist should be rescheduled within one week of the initial joint inspection if at all possible or as soon as possible otherwise. Based on the urgency findings of the visual inspection team, the attending Board members will immediately recommend to the Board President scheduling priority for full SFHOA Board Review and Decision scheduling. The President may call for a Special Board Meeting or may choose to schedule the Review and Decision discussion at the next regularly scheduled Board meeting, depending on the urgency based on the findings.

8. **Common Area Tree Review, Decision, and Form Return.** After conclusion of the joint inspection, the SFHOA President will call for a Special Board Meeting to be convened or will bring the Request before the regularly scheduled Board meeting as new business for review, discussion, and decision. The SFHOA Member Homeowner or representative is invited, welcomed, and encouraged to attend this meeting and will be notified when it is scheduled. The SFHOA Board decision will be conveyed to the property owner in writing.
9. **Record Keeping.** The Tree Removal Request, summary of joint inspection, board review, discussion and final decision shall be recorded in the minutes of the SFHOA Board meeting.
10. **Availability.** A copy of this policy and procedures shall be made available upon request, and on the SFHOA website.
11. **Resale Disclosure Packet.** A copy of this policy and procedures shall be included in any resale disclosure packet issued after the effective date below.

The effective date of this Resolution shall be August 6, 2018.

STANLEY FOREST HOMEOWNERS' ASSOCIATION, INC.

By: Michael Broetto

President



Exhibit A

STANLEY FOREST HOMEOWNERS' ASSOCIATION, INC.  
REQUEST FOR REMOVAL OF COMMON AREA TREE(S)  
DUE TO IMMINENT DANGER

DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

SFHOA MEMBER NAME: \_\_\_\_\_

SFHOA MEMBER ADDRESS: \_\_\_\_\_

SFHOA MEMBER PHONE: (HOME) \_\_\_\_\_

(CELL) \_\_\_\_\_

GENERAL DESCRIPTION OF DANGER: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SCHEDULED JOINT INSPECTION: DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

SFHOA BOARD MEMBER: \_\_\_\_\_

SFHOA BOARD MEMBER: \_\_\_\_\_

SFHOA BOARD MEMBER: \_\_\_\_\_

SFHOA MEMBER(S): \_\_\_\_\_

INSPECTION DISCOVERY & FINDINGS: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Exhibit A

STANLEY FOREST HOMEOWNERS' ASSOCIATION, INC.  
REQUEST FOR REMOVAL OF COMMON AREA TREE(S)  
DUE TO IMMINENT DANGER

FULL SFHOA BOARD MTG SCHEDULED DATE: \_\_\_\_\_

SFHOA MEMBER NOTIFICATION OF BOARD MTG: \_\_\_\_\_

- SFHOA BOARD DECISION:
- AGREE WITH IMMINENT DANGER – SFHOA WILL REMOVE TREE(S) AT SFHOA EXPENSE
  - DISAGREE WITH IMMINENT DANGER – HOMEOWNER MEMBER IS GRANTED PERMISSION TO REMOVE THE TREE(S) IDENTIFIED IN THE INSPECTION FINDINGS AT THE MEMBERS EXPENSE AND IS GRANTED PERMISSION TO DISPOSE OF THE DEBRIS WITHIN THE COMMON AREA
  - OTHER -- \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SIGNED: \_\_\_\_\_

FOR SFHOA      DATE: \_\_\_\_\_