

ORCHARD KNOLLS HOMEOWNER'S ASSOCIATION, INC (HOA)

PO Box 4225, North Potomac, Maryland 20885

WWW.ORCHARDKNOLLS.ORG

Minutes – January 22, 2015

BOARD OF DIRECTORS (BOD) - Volunteers

President	Richard Schinner (RS)	301-977-5196	evantage@comcast.net	2016
VP 1	David Haas (DH)			2015
VP 2	Lisa Goodman (LG)	301-963-3807	goodgrl@verizon.net	2015
Treasurer	Mark Tabar (MT)	301-318-8446	homaitabar@yahoo.com	2016
Secretary	Michelle Katon (MK)			2017

ARCHITECTURAL REVIEW COMMITTEE (ARC) - Volunteers

Member	Lisa Goodman
Member	George Puddington
Member	Paul Hughes

ADMINISTRATIVE MATTERS & MINUTES REVIEW :

Call To Order: President Called Meeting to Order at 7:30 PM.

Rick read the minutes from the meeting held in October. Motion made by Lisa to approve minutes. Seconded by Michele, all in favor - approved.

Homeowner(s) Ryan Wibberly

Absent Members: None

Guests: David Gardner
Ryan Speigal
Adam Pulaski
Ron Gorfinkels

Guest Presentations: ARC appeal

Adam Polaski, attorney for the Gorfinkels began with -Gorfinkels love this community. They want to live here and watch their family grow here. Sara is trying to get involved in the community. They are very much a part of the community. When they moved in, they needed two doors to suit their needs.

They didn't realize they needed to apply and failed to. They did however make

an effort to get a really nice exterior door. They ran into a dilemma when they realized the sizes of the doors were going to be different. They worked with a contractor to get something nice but met their needs. Once they received the letter telling them they were in violation, they applied.

How many other letters have gone unanswered? Since notified of the denial, they have painted the trim. We have looked through the guidelines and can't find any requirement to have a row of windows. Some garage windows in the community are varied. The standards for the SFH are very vague. Applications for change are made on a case by case basis. Be certain these decisions are not arbitrary.

July minutes indicate that there are several doors in the SFH that are in violation. However, are the Gorfinkel's are the only ones that got cited? The community has many variances.

Ryan - he wants to talk to the state of the law. HOA boards have broad authority to approve exterior changes. Md law has specific code about notice. That notice must tell time and location of meeting. Detailed minutes, quorum at annual meeting. If these procedures are not followed, decisions made could be found invalid.

Advance notice is required to give notice to community. When asked for certain documents, the 2014 guidelines were not properly adopted. What other things have not been done properly? As soon as they got the letter, they tried to reach out to the board. They believe others in violation have simply ignored the board.

Appellate courts in MD can be found to abandoned or release if the board has not uniform applied/enforced standards and not been consistent in ARC requests, the court has ruled in favor of homeowner. Here it is not clear if the board followed the right plan. Is there a specific guidelines or standard in SFH? We believe this to be a lack of standard.

There is no actual standard in documents about garage doors. The courts have Ruled that the HOA cannot act in "bad faith". We think targeting one home for a violation to be in bad faith.

So where does that leave us - practical considerations - Ron and Sara want to settle amicably. If the Gorfinkel's prevail, the Declaration of Covenants could be ruled invalid. We are asking not to pursue a violation claim but looking to compromise.

Dave Gardner (HOA attorney) responded with that he would have to advise the HOA to pursue court to recover attorney fees rather than trying to settle this matter at the CCOC.

Rick proposed a compromise that required that all but one row of windows be replaced or covered with a wooden or composite material and the doors and trim painted to match the trim of the home—all to be done by a licensed contractor. Ryan advised that they would be willing to this. Homeowner advised that it would be a permanent solution. Homeowner asked about painting trim white.

The board would be willing to suspend action on the Gorfinkels appeal pending receipt of a new ARC request by April 4, 2015. A motion to take no action was proposed by Lisa and seconded by Mark. All Approved.

Treasurers Report:

Mark discussed the current financial picture. No concerns at this time. No raise in assessment for 2015.

Old Business :

PGC:

Dave Gardner was asked to speak about PGC as well as follow up to see if they have pursued any other avenues to develop the property. Gaithersburg City planner left so PGC still has not modified their plan. Still pending. Not certain where we are now. It is very expensive and at this point they have no they may simply be waiting till they are approached

Parking - Cherry Blossom Parking:

Van needs to be moved and towed. Problem houses - reminder and that towing will begin – Paul will get Diane a list of violators. Letter to townhouse residents about overflow parking in non garage spots. Towing will be done on a case by case basis. Get copy of parking rules to Dave. Get a signed copy.

Request:

There was a request from a garage homeowner to park in the Cherry Blossom parking lot with her third vehicle. This request was denied.

HOC issue:

HOC house running a hair salon. 12001 Cherry Blossom – Dave will send HOC a letter about complaints in this house and the hair salon they are running from the home.

Daycare:

Licensed 12006 - is this property licensed? Diane will check.

New Business:

- Large bridge needs new deck and rails. Rick will take lead.
- Mosquito guy was successful. Rick will use him again in 2015
- Nugent – submitted an ARC request in which they wanted the HOA to build a trench beside their home to take water away from their foundation and remove a large tree from the common area near their homes, whose roots have reached the side of their rental property. The ARC formally denied this request and Dave Gardner was asked to send a reply.

ADJOURNMENT Meeting adjourned at 8:57 pm.

The next meeting is scheduled for 03/19/2015

Diane Tillery
Community Manager