

LANDSCAPE POLICY: 12/09/2014

I. DEFINITIONS:

A. **Common Areas:** The Common Areas are those areas in the Fitts Farm Condominium Association that are held “in common”, *i.e.*, owned by all condominium residents. In particular, with respect to landscaping, these areas include entry ways, mailbox areas, lawns, foundation plantings, and planted beds within the lawns.

B. **Limited Common Area:** Limited Common Areas (LCAs) are, with the exception of the unit at 15 Marden Way, the areas between the walkway and the front foundation of each unit. The LCA at 15 Marden Way is to the left of the walkway as one faces the front door. For all units the area 25 feet directly behind each unit, measured from the original foundation, is also LCA. As is true for all LCAs, these areas are reserved for the exclusive use of residents of individual units.

II. MAINTENANCE of LANDSCAPING

A. **Common Areas:** The Fitts Farm Condominium Association is responsible for landscape maintenance of Common Areas. This includes mowing, trimming, edging, weeding, fertilizing, pruning, pest control, raking, debris removal (including leaves, fallen branches and broken limbs), and mulching. Alterations to common areas require Board permission prior to proceeding as noted in section III **Landscape Changes** (see below).

B. **Limited Common Areas:** Individual unit owners are responsible for the maintenance of Limited Common Areas. The only exception to this is mowing and fall clean up of the lawn which is done by the Association’s contractors.

Maintenance of Limited Common Areas will include, but is not limited to, weeding, pruning, edging, mulching and otherwise maintenance of the plantings and their related beds. When purchasing mulch, residents should select a mulch color consistent with that utilized in the common beds by the Association.

III. LANDSCAPE CHANGES: New Hampshire state laws prohibit the planting of invasive plant species.

A. Changes to Plantings in Common Areas by Residents: If residents wish to alter the plantings in the common area(s) that surround their units, they must submit a detailed written proposal to the Landscape Chair who will review the request and make a recommendation to the Board. As a minimum requirement, the proposal should indicate any and all shrubs and/or bushes to be removed and identify proposed replacement plantings. Written requests should be placed in the Landscape Chair's mail box located at the upper mail kiosk. The Board will review the request and respond to the unit owner. All requested work will be done at the resident's expense. The Association will edge and mulch the common area beds as specified in Section II. A. above. If, at a future date, unit owners are unable or unwilling to continue the care of the plantings they have changed within the Common Area, they may request that the Association assume maintenance of the modified Common Area. If the Association decides not to assume maintenance responsibility for the modified plantings, said plantings will be removed and the area restored to its original condition under the direction of the Landscape Chair, at the unit owner's expense.

B. Changes to Plantings in Common Areas by the Board of Directors / Landscape Chair: Any changes to the Common Areas recommended by the Landscape Chair and approved by the Board, will be done at the Association's expense. Although permission of the unit owner is not required, the Landscape Chair will inform the unit owner of any forthcoming work.

C. Enlarging or Changing Existing Beds in Common Areas: A proposal by a resident to enlarge or change the contour of an existing bed must be submitted to the Landscape Chair who will review the request and bring it to the Board with a recommendation. All work approved under section C will be done at the resident's expense. The Association will edge and mulch these beds as specified in Section II. A. above.

D. Changes to Plantings in the Limited Common Area: Residents do not need permission to change plantings in these areas.

E. Adding New Beds: A written proposal by a resident to create a new planting bed or similar alteration in the Common Area and/or the Limited Common Area behind units must be submitted to the Landscape Chair. To be approved by the Board, new beds must not interfere with ease of mowing or trimming and conform to what is typically found at Fitts Farm, including edging and mulching. Prior to approval, the Landscape Chair will confer with neighbors to ensure that any planned modifications are reasonably acceptable. Maintenance of any new beds, including edging and mulching, and their related plantings will be the ongoing responsibility of the individual unit owner who initiated the change(s) and is transferable to all future owners. Informing a potential buyer of the details of any agreement concerning responsibility for bed / garden maintenance is the sole responsibility of the resident. Fitts Farm will not be responsible for a resident's failure to inform a buyer, or future buyers, of these agreements. If a current owner declines to maintain one of these agreed to areas, the area will be removed and restored to its original state at the current resident's expense.

F. Unit Owner Landscape Agreement: Unit Owners who wish to make any of the above changes to the Common Areas surrounding their units or to the Limited Common Area behind their unit, as a part of the Board approval process, will sign and date the **Unit Owner Landscape Agreement** acknowledging their familiarity with and acceptance of this Landscape Policy.

IV. OTHER:

A. Generators: It is the responsibility of generator owners to maintain a screening fence(s) and/or perennial or evergreen planting(s) around generators per the agreement between generator owners and the Master Association. This responsibility is transferable to all future owners as long as a generator remains in place. It is the responsibility of the resident generator owner to inform future buyers of this transferable responsibility. Refer to the Fitts Farm Condominium Association **Generator Policy**.

B. Resident Concerns: Any landscape concerns should be directed

to the Landscape Chair. Residents are required to communicate in writing, via the **Request for Service** form placed in the Landscape Chair's mailbox located at the upper mail kiosk. Complaints, concerns, or requests must not be communicated directly to the professional contractors hired by the FFCA. The contractor works for the Association via our Board of Directors and not for individual unit owners.

C. Resale of a Unit: The unit owner must agree to inform any potential buyer of any landscape agreement between the Association and the unit owner. If a buyer is not interested in taking responsibility for areas under agreement, the seller will be financially responsible for their removal and restoration. The seller will seek approval from the Landscape Chair concerning the detail of the removal and restoration plans. This maintenance / removal responsibility is transferable to all future buyers and therefore should be fully addressed prior to or as a part of any home sale agreement. Failure to notify future owners may result in a buyer assuming the cost to remove unwanted plantings / beds. If the plantings are removed and the area restored, all related agreements between the Association and current / future owners will be considered null and void.

V. Policy Revisions

The Board of Directors shall review this policy periodically and may amend the policy as conditions warrant.

5/4/2012

Richard Ozenich, President Fitts Farm Condominium Association.

"This Landscape Policy was adopted by the Board of Directors on 10th day of June, 2009 and subsequently revised on 12th day of April, 2012 and is attested to by the Secretary of the Fitts Farm Condominium Association.

5/4/2012

James Hellen, Secretary, Fitts Farm Condominium Association.

Revised 8/5/2014

Adopted by the FFCA Board 10/14/ 2014

Revised 12/9/2014

