

WILLOW CREEK/EAGLE TRACE

NEWTOWN GRANT, TH-2A HOMEOWNERS' ASSOCIATION

ENVIRONMENTAL REVIEW BOARD

RULES AND REGULATIONS

Willow Creek/Eagle Trace  
Board of Directors  
January, 2023

## SECTION 1

### Introduction

The architectural and environmental character of our community was established by the architects and planners who originally designed Newtown Grant. The Environmental Review Board (ERB) is responsible for preserving this character. It establishes standards and is responsible along with the Master Association Board of Directors for informing all homeowners in the community of these standards. The standards are not intended to stifle the imagination or creative desires of the residents, but rather to assure them that protective restrictions are in effect. Which will help maintain the appearance and value of their property and our community.

The purpose of the ERB is to “regulate the external design, appearance, use and maintenance of the cluster Properties and of improvements thereon, in such a manner so as to preserve and enhance values and to maintain a harmonious relationship among structures and the natural vegetation and topography.” [1] The ERB is empowered “to regulate the external design, appearance, location and maintenance of the Cluster Properties and of improvements thereon and to regulate such used of property.” [2]

When you purchased your home, you were presented with documents known as the Covenants. The Covenants established two categories of standards. Those standards labeled Master Board are In elf-act for the entire community and may not be changed or altered by the Willow Creek/Eagle Trace ERB. Other standards were open to the jurisdiction of the Willow Geek/Eagle Trace ERB with the approval of the Board of Directors. Those standards are included in this document under “Rules and Regulations”.

[1] Declaration of Covenants, Conditions, and Restrictions for Newtown Grant Phase TH-2A Homeowner’s Association Inc., (the “declaration”) Article VI, Section 2.

[2] Bylaws of Newtown Grant Phase TH-2A Homeowner’s Association Inc., Article XI, Section 2.

## SECTION II

### ERB REQUEST POLICY

The ERB will only consider written requests submitted on ERB Request forms. A copy of the Willow Creek/Eagle Trace ERB request form may be found in Appendix A. Additional copies may be obtained by contacting FirstService Residential at 215-968-3789.

ERB submission should be delivered to:

Willow Creek/Eagle Trace at Newtown Grant  
360 Eagle Road  
Newtown, PA 18940

Please provide a brief description of your project, including as much detailed information as possible. This information should include dimensions, location and sketches or scale drawings. Photographs or samples would also be very helpful.

Approval of any project by the ERB does not waive the necessity of obtaining the required municipal permits. Applications for building, zoning and other governmental permits for the proposed project shall be made by the homeowners at their own expense. Abiding by deed restrictions, such as not obstructing pedestrian easement restrictions will be borne by the homeowner. All costs and damages incurred as a result of not complying with the easement restrictions will be borne by the homeowner.

The ERB will respond to your request within 60 days of receipt of the completed form. If a request is not approved, the applicant is free to request the ERB reconsider its position and is encouraged to present new or additional information which might clarify the request or demonstrate its acceptability. Any further action would require participation of the Board of Directors. (Please request, in writing, to be placed on the agenda of the next general Board meeting. You will be notified of the date and time for which you are scheduled.) The Board will render a written decision within ten (10) days of presentation.

### SECTION III

#### RULES AND REGULATIONS NEWTOWN GRANT PHASE TH-2A HOMEOWNER'S ASSOCIATION

##### Awnings (Willow Creek/Eagle Trace)

- a) Awnings are permitted with Environmental Review Board (ERB) approval on the rear of the home over a deck or patio only. The awning must be the same size as the deck or patio and must not exceed that size. The awning must be canvas, retractable, and a color to match the siding. A color swatch must be submitted to the Willow Creek/Eagle Trace Environmental Review Board (ERB) for approval.
- b) Awnings are prohibited on the front and sides of all structures.

##### Clotheslines (Master Board)

Clotheslines of any type are not permitted.

##### Disturbances (Willow Creek/Eagle Trace)

Power tools, lawn equipment, associated exterior repairs and maintenance, etc., shall not be used between 9:00 PM and 9:00AM during the weekday nights and 9:00PM and 9:00AM on a weekend night.

Television stereo and radio Volume shall be lowered after 11:00 PM. No short wave radio transmitters shall be operated in the community without special permission of the Board of Directors. Outside antennas and solar panels are not permitted.

No occupant shall obstruct or interfere with the rights of any other occupant or in any way cause injury or create an annoyance,

Each homeowner shall be charged with the responsibility of directing his tenant(s), guests and invitees to comply with the Association's Declaration, Bylaws, and these Rules and Regulations.

No resident will continue to operate an externally audible alarms system which malfunctions, emits false alarms and disturbs the peace of the community.

Exterior lighting, including security light, shall not be directed in such a manner as to create an annoyance to your neighbor.

##### Exterior Maintenance/Alterations

Each home is responsible for maintaining the appearance of their home.

In general, only those areas that are painted may be repainted. Only those areas which are stained may be re-stained. Unpainted surfaces and unstained areas such as brick and stone shall remain unpainted and unstained.

No Changes to the exterior design of any home may be taken without the written approval of the ERB. Exterior materials must be compatible with the architectural design character of the community. The ERB reserves the right, with the Board approval, to retain a registered architect or engineer to review and assist in this determination.

#### Pools Spas (Master Board)

In-ground pools and spas are not permitted.

Toddler type pools are acceptable but must be stored indoors nightly, with no exceptions,

#### Fence WCME

No property boundary line is to be formed by cinderblocks, bricks, masonry, structures, hedges, or shrubbery. Fences are permitted with ERB approval. The only acceptable style is "board-on-board". The good side must face out. A scalloped top, board-on-board fence is acceptable and may join an existing fence that does not have a scallop top.

Privacy fencing shall only be allowed between two adjoining and physically connected units and must begin at the rear of the unit. The privacy fence must be board-on-board style. In the event that after a privacy fence has been approved and erected, if the homeowner chooses to enclose the property with a fence, the new section fencing must begin at the end of the privacy fence farthest from the building.

Fences must be five (5) feet high for its entire length, except for privacy fences, which may be six (6) feet high for a length not to exceed sixteen (16) feet.

Prior to proceeding, homeowners must verify property lines and/or easements. If a fence is constructed on another homeowners' property, the homeowner of the fenced-in yard is responsible for repositioning or removal of that section fencing.

#### Firewood (WC/ET)

Homeowners are permitted to neatly stack up to one cord of firewood on their property. Firewood must be neatly stacked in one of the following locations beginning October 1" of each year:

1. On the rear/deck patio
2. Inside a fence which encloses the home's backyard
3. Against the side property lines separating two common wall properties
4. In the common wooded area behind some homes

The firewood shall be placed so as to not obstruct any existing drainage patterns or easements, The ERB can provide information on drainage and easement locations,

Wood piles must be neatly stacked on the rear deck/patio against the home or in the wooded area behind some homes prior to April 30" of each year.

#### Vegetable Gardens (WC/ET)

WCET allows only a fenced in unit to erect a vegetable garden bed. The vegetable garden bed cannot exceed 3 feet x 5 feet, must be erected up against your back fence only and vegetation cannot grow past the last top foot of your fencing. Additionally, when the growing season has concluded, all dead vegetation must be immediately removed from your garden bed. \*Garden beds are not allowed to be erected on side fencing. The vegetable garden bed does require a submission of an Environmental Review Board Form (ERB) to the Willow Creek/Eagle Trace Cluster Association Board. When submitting your form, please include your plot plan/survey along with a drawing of the proposed vegetable garden bed along with a description of what vegetables will be grown.

#### Landscaping (WC/ET)

Patios, walkways, decks, brick patios, and landscaping must be submitted for ERB approval Homeowners are reminded to contact the Township for required permits.

Retaining walls and grading alterations that change the contour of the earth and/or water drainage patterns must be submitted to the ERB for approval Homeowners are reminded to contact the Township for required permits,

Homeowners are responsible for verifying locations of all underground utilities and existing easements and bear total responsibility for any and all service interruptions directly attributable to work performed on their property. Homeowners can contact Pennsylvania One Call free of charge at 1-800-242-1776 to verify underground utility locations. There is a fee for contractor requests.

Street trees: Street trees must be replaced if removed in order to maintain curb appeal and keep the tree lined street look. Street tree type and variety should be approved by the ERB process and should be selected with the following conditions: a tree that would ideally grow to a "medium" height of 20 feet and circumference of 5-12 feet, approximately.

#### Pet (Master Board and Township)

All pets must be licensed with Newtown Township.

An animal of any kind may be kept only as a domestic pet. Pet runs, pens or houses of any kind are not permitted. No pet shall be permitted to run at large or remain outside unattended. Owners must clean up after pets.

All animals are to be kept on a leash at all times when outside. No homeowner shall have more than two (2) pets unless the pets were owned prior to move-in and even then only three (3) pets Permitted.

### Sheds (Master Board)

Sheds or free-standing structures of any type are not permitted.

### Mailboxes (Willow Creek/Eagle Trace)

The mailboxes are not to be used as bulletin boards for lost or stolen items or pets, garage sales, or other announcements, The Recreation building has a bulletin board for just such purposes

### Recreation Equipment (Willow Creek/Eagle Trace)

Recreation equipment includes, among other thing, wing sets and play sets, which must receive ERB approval All equipment must be set back at least five (5) feet from property lines and permanently anchored. Rusting or deteriorating equipment must be removed or repaired immediately. Equipment must be located in rear yard only. All recreation equipment must be made of wood.

Children's outdoor play furniture must be of the portable type, so u to be stored during the winter months October 31<sup>st</sup> through April 1<sup>st</sup> of the following year. This play furniture must also be garaged at the request of a neighbor who is trying sell his or her home.

Permanent basketball backboards of any type are not permitted. Backboard may not be mounted on the house of garage.

Portable basketball backboards must be approved by the ERB, Backboards must be fiberglass and/or metal construction and may not be supported by sandbags, cinder blocks, bricks, rocks, etc. All backboards must be of the portable type, ho to be stored during the winter months, October 31<sup>st</sup> through April 15<sup>st</sup> of the following year. Backboards must also be garaged at the request of neighbor who is trying to sell his or her home.

Canopies of tents are permitted in the rear or side yard for specific events and must be disassembled within 48 hours from the event.

The board may, in extreme circumstances (1), and at its sole discretion, grant homeowners "waivers" to keep and maintain otherwise prohibited recreational equipment for a specified, limited period of time not longer than six (6) calendar months. By majority vote of the board, the waiver may be renewed for additional intervals, no longer than six (6) months in duration, if applied for by the homeowner at the expiration of each interval. Should the homeowner maintain the recreational equipment, past the period covered under Any Waiver period and fail to apply for renewal of the waiver, the home owner shall be deemed to be in violation of the rules and bylaws of the community from the day after the expiration of the final waiver.

All waivers punted by the Board must:

1. Be in Writing

2. Set forth a description of the equipment covered by the waiver
3. Set an expiration date for the waiver of no longer than six (6) months from the date of issue from the board and
4. Set forth in clear language that it is strictly the homeowner's responsibility to request extensions of time to any waiver

#### Signs (Master Board)

No sign of any nature shall be maintained on or in the property. An exclusion is made for real estate "For Sale" signs only, which may be placed on the property for the sole purpose of selling the home.

#### Seasonal Decorations

Seasonal decorations may not be displayed more than five (5) weeks prior to a holiday and must be removed no later than four (4) weeks following a holiday.

#### Yard Maintenance (Willow Creek/Earle Trace)

Yards shall be maintained to provide a neat appearance to the Cluster, Lawns shall be maintained so that grass height does not exceed six (6) inches and/or the grass does not go to seed. Each homeowner is responsible for the cutting and maintenance of their lawn. This includes seeding weeding, cutting fertilizing and care of the lawn and shrubbery surrounding one's home,

Residents must maintain ground cover on their lots so as to avoid soil erosion onto streets, sidewalks, or other properties.

Within 30 days after completion of any building project, all building materials and debris must be cleared from the site, and excavations must be back filled and returned to original grade.

Yard maintenance equipment must not be stored outside at any time.

(1) "Extreme Circumstance" are intended to mean situations of unusual medical necessity only.

#### Window Air Conditioners (Master Board)

Window air conditioners are not permitted.

#### Window Coverings

Window curtains facing the street should be white, beige or natural wood tones. Blinds also should be white, off white or a natural wood color. Any brightly colored window coverings should be lined in such a way as the street view of the curtains/coverings is natural, white or neutral (off white).



### Trash (Master Board)

Trash receptacles such as metal or plastic cans or bags shall not be permitted to stand along the outside wall of any building.

Trash cans or bags shall not be placed outside until sundown the day preceding scheduled pickup and shall be returned inside that evening. Cans must be covered and bags must be closed. Clean up of trash, which has not been properly secured and has caused a mess, is the responsibility of the homeowner,

Dumping of grass clippings or trash is not permitted in the wooded areas or the Common ground.

Burning of papers or rubbish of any kind is not permitted.

### Storm. Doors, Garage Doors, and Windows (Willow Creek/Eagle Trace)

Storm doors, garage doors, and windows shall not be installed, altered, or replaced except as approved in writing by the ERB. The color of the storm door must be white or match the color of the front door. See Appendix C for acceptable storm and garage door styles.

### Vehicle (Master Board and Township)

No recreation vehicles (campers, house trailers, motor homes, boat and boat trailers, commercial vehicles, disabled vehicles or unlicensed vehicles, etc.) of any type may be parked outside overnight and must be garaged if on-site overnight.

Commercial vehicles are allowed if to perform a specific job or function for a limited period of time.

Commercial vehicles are not permitted overnight in Willow Creek/Eagle Trace unless parked inside a homeowner's garage. Commercial vehicles include, but are not limited to the following:

- A. Any Vehicle with more than two axles
- B. Any Vehicle with corporate designation logos
- C. Any Vehicle without side windows
- D. Any truck with built-in external toolbox
- E. Any truck with ladder and/or glass holding apparatus
- F. Any van maintained without seats for additional riders
- G. Any vehicle the board has cause to believe is a commercial vehicle under the spirit of this article

During the snow removal season, owners must cooperate with equipment operations by moving their vehicle off the street. Failure to do so will result in the vehicle being towed at the owner's expense.

### Procedure for Satellite Dishes (Willow Creek/Eagle Trace)

Willow Creek/Eagle Trace Community, along with Newtown Grant Homeowner Association, permits each homeowner to have a satellite communication dish for the purpose of television and/or internet reception only, under the following guidelines:

- A. A homeowner may have a single dish for each of the languages spoken with the home.
- B. The dish may not be larger than 1 meter in diameter
- C. The dish must be camouflaged to remain inconspicuous, i.e., painted to match Color of homeowner's siding (if installed on side of home), color of horizon (if installed on roofline) or landscaping (if installed on ground). Proper Camouflaging should not affect reception.
- D. Installation of the satellite dish:
  - 1. The dish must be professionally installed. Failure to have the dish professionally installed will result in the homeowner being liable to indemnifying the homeowners' association for any amount of money expended by the association as the result of any personal injury or property damage caused to the homeowner's system.
  - 2. The dish must, whenever possible, be installed on the area of home facing away from the street; i.e., back of home.
  - 3. If the horizon required for reception cannot be obtained from the "back of the home" then installation shall occur on the roof of the home in a location from which the horizon is obtainable.
  - 4. If the horizon is not obtainable from the homeowner's roof, then the installation shall occur on the frame of the home or on the ground of the homeowner's property, subject to Section C (regarding conspicuousness).
  - 5. At no time shall the satellite dish be installed on homeowner Association property ("Common Ground"), on another homeowner's property, or in any location which may, in the event of an emergency, obstruct or hinder in any way the ingress or ingress or egress of any emergency personnel.

### Payment of Association Fees (Willow Creek/Eagle Trace)

Association Fees are due the first day of each quarter that is January 1, April 1, July 1, and October 1. A late fee of \$25.00 per quarter is automatically imposed if payment is not received by the 15<sup>th</sup> of the month in which the payment is due. A homeowner of tenant will also lose membership privileges if the account is delinquent or there is a fine.

### Complaint Forms (Willow Creek/Eagle Trace)

A copy of the general and pet policy complaint forms (see Appendix D) are provided for your use should you deem it necessary to identify a violation of the above rules and regulations. The ERB and Board of Directors of Willow Creek/Eagle Trace understand the need to maintain a clean and aesthetically pleasing environment. Each homeowner deserves such and pays quarterly to obtain it. It is also each homeowner's responsibility to comply with these rules and regulations in an effort to do their part for our community,

## MASTERBOARD RULES AND REGULATIONS

(As a reference, a partial list of related rules and regulations is included below)

### Common Property

Common Property shall mean and refer to Association Recreation Area and other land and improvements owned or to be owned by the homeowner's Association, if any, for the common use and enjoyment of the Members. The Entrance Easement Areas and Buffer Easement Areas...shall be deemed to be parts of the Common Property, although title to the same shall remain in the owners of the Lots on which such Areas are located. All roads and streetlights installed on the Property have been dedicated to the Township of Newtown...Homeowners may not use common areas for permanent location of recreation equipment or storage of personal property.

### Drainage/Roofs

The Declarant and Owners, their successors and assigns shall have a blanket, perpetual and non-exclusive easement in common in, upon, over, under, across, through the Property for surface water runoff and drainage caused by natural forces and elements, grading, and/or the improvements located upon the Property, No individual Owner shall directly or indirectly interfere with or alter the drainage and runoff pattern systems within the Property.

Each owner hereby covenants and agrees...that he will not interfere with the established drainage pattern over his Lot from adjoining or other Lots, and make adequate provision for proper drainage from any such other Lot in the event the established drainage over his Lot is changed or altered. For the purpose hereof, "established" drainage is defined as the drainage which will occur at the time the overall grading of the Property, including the landscaping of each Lot, is completed.

### Easement

Easement shall refer to a blanket, perpetual and non-exclusive easement of unobstructed ingress and egress in, upon, over, across, and through the Property....for the Township of Newtown and the Homeowners' Association, their respective officers, agents and employees and for all policemen, firemen, and ambulance personnel in the proper performance of their respective duties. An unimpeded 10 foot wide area between all rows of homes must exist and for homeowners' properties which abut each other, each homeowner is restricted from placing any improvement within five (5) feet of the property line.

Further, a perpetual and non-exclusive easement to use and maintain all pipes wires, ducts cables, conduits, public utility lines and other common facilities located on any portion of the Property which serve the Home or Lot of an individual Owner(s) exists....

Entrance Easements may be used by the Homeowners' Association for open space purposes and for fence, entrance monuments and signs relating to the Community, subject to compliance with the requirements of the Township of Newtown. Buffer easements may be used by the Homeowners' Association for open space purposes and for fence, entrance monuments and signs relating to the Community, subject to compliance with the requirements of the Township of

Newtown. The maintenance of a lawn area, shrubs, flowers, plants and common area within the Entrance Easement Areas and Buffer Easement areas by the Homeowners' Association is permitted. In addition, the owner of the Lots on which the Entrance Easements are located shall avoid any action which shall in any way restrict or limit or use of the Entrance Easement Areas and Buffer Easement Areas as permitted hereunder. Access to the Areas is restricted to residents of the Lot on which a portion of the Areas is located and agents, employees or contractors of the Declarant or the Homeowners' Association.

#### Residential Use Only

No home...shall be used for any purpose other than as a private residence...Further, neither the Common Property nor Cluster Common Elements shall be utilized for any residential or commercial purpose unless expressly permitted by this Declarant or appropriately incidental to residential use.

#### Storage of Hazardous Material

Positively no cans of gasoline or Paint rags, or other flammable materials permitted to be stored in closets, attics, or utility rooms, unless in Underwriters Laboratory approved container with UL label affixed.

#### Transfer of Liability

Upon transfer of any such special Declarant right, the liability of the transferor is as follows: (a) transferor is not relieved of any obligation or liability rising before the transfer and remains liable for warranty obligations imposed upon him.

#### Violations

The Board shall have the power to make such rules and regulations as may be necessary to carry out the intent of these restrictions and the Declaration and shall have the right to bring lawsuits to enforce the rules and regulations promulgated by it. The Board shall further have the right to levy fines for violation of such regulations...In the event the Board engages the services of an attorney or institutes legal action for collection of any fines, then the defendant(s) shall be responsible for payment of reasonable of attorneys 'fees of the Homeowners', plus interest and cost of suit.

#### Community Plan

A copy of the Willow Creek/Eagle Trace Community Plan is being provided for your information in Appendix E.

#### NOTES:

Clubhouse Rules and Regulations, including the use of the Clubhouse building, pools, tennis courts and other recreational facilities are printed on a separate sheet.

Further restrictions and Rules and Regulations may be promulgated pursuant to Supplemental or Cluster Declarations.

These Rules and Regulations are in addition to restrictions and requirements set forth in the Association Declaration and Bylaws.

ENVIRONMENTAL REVIEW BOARD RULES AND REGULATIONS ENFORCEMENT  
POLICY

Willow Creek/Eagle Trace

The schedule of fines, which will be imposed by the Board of Directors, is as follows:

First Offense	Written Warning
Second Offense* (30 days)	\$25.00 Fine
Third Offense * (30 days)	\$25.00 Per day

\* A second offense may be a repeated first offense or 30 days from written warning of first offense being sent with no compliance from homeowner.

\*\* A third offense may be a repeated first offense or 30 days from the second offense fine being imposed with no compliance from homeowner.

If after the third offense, the situation has not been resolved, the Board has the authority, as established by the Master Board Covenants, to initiate any or all corrective action at the homeowner's expense. It is conceivable that an unresolved infraction could result in a lien being placed on property to recoup just such an expense, therefore causing an increase of the quarterly association fee on all homeowners in the Willow Creek/Eagle Trace Homeowners' Association. Thus it would be to each homeowners' benefit to abide by the rules and regulations as well as resolve violations prior to elevating to this extreme,

Master Board

You may contact the Property Management Office for a current list of fines since the fines that apply to Master Board rules and regulations may be amended in the future.

APPENDIX A

WILLOW CREEK/EAGLE TRACE ENVIRONMENTAL REVIEW BOARD REQUEST