

## CLEARING AND LANDSCAPING POLICY

OF

### BROOK HOLLOW ESTATES PROPERTY OWNER'S ASSOCIATION, INC.

**WHEREAS**, the Covenants of the Brook Hollow Estates Property Owner's Association (BHEPOA), as well as the North Carolina Planned Community Act (hereinafter, the "Act"), authorizes the Association to set guidelines for community property clearing and landscaping, as well as collect fines for violations of the community Covenants and policies; and

**WHEREAS**, pursuant to the authority given the BHEPOA by the Act, specifically N.C. Gen. Stat. § 47F-3-102, the Board of Directors (hereinafter, "BOD") is desirous of adopting the following clearing and landscaping policy:

#### "CLEARING AND LANDSCAPING POLICY"

1. Property Clearing. Clearing of vegetation (e.g., trees, bushes, shrubs, brush, etc.) of an individual property site in Brook Hollow Estates (hereinafter, "BHE") is limited to no more than 40% of the total acreage of the property (e.g., if you own 1 acre you may clear up to 0.40 acres). This total number includes the build site/footprint for any home and/or associated clearing for parking areas, driveways, well sites, utility rights-of-way, and "out-buildings" (e.g., garages, sheds, studios, etc.) erected on the site. The total percent of clearing cannot exceed 40%.
2. Properties with Existing Homes. For properties purchased with existing homes where more than 40% of the lot had been previously cleared, no further tree cutting/clearing will be allowed.
3. New Home Construction. During the construction phase for new homes and/or associated clearing for parking areas, driveways, well sites, utility rights-of-way, and "out-buildings" erected on the site, etc., it is recognized that the 40% total figure might need to be temporarily exceeded. This is a short-term condition, and the home/property owner (hereinafter, "Owner") will replant trees/vegetation to bring the property into compliance with the "not to exceed 40% rule." In such situations the Owner will include a detailed written explanation/plan (with a to-scale graphic project depiction) describing the reason for the required additional clearing with their CC&R Compliance List and Verification Form for submission to the BHE Design Review Committee for review/approval. This action will be completed prior to initiation of any clearing work. Owners have one (1) year to complete re-planting to bring their property into compliance with the "not to exceed 40% rule."
3. Post-construction Phase. It is understood that, in rare circumstances, conditions might arise where, for aesthetic or safety reasons (such as building a retaining wall), an Owner's planned

improvement/landscaping activity will necessitate a waiver to the “not to exceed 40% rule.” This will most often occur on smaller lots where vegetated acreage is limited. Even so, waivers will be the exception and not the rule. In such situations, prior to initiation of the work, Owners will include a detailed written explanation/plan (with a to-scale graphic project depiction) with the CC&R Compliance List and Verification Form, describing the reason for the required additional clearing to the BHE Design Review Committee for review/approval.

4. Indigenous Vegetation. In the spirit of keeping BHE as “natural” a Western North Carolina mountain setting as possible, it is recommended that Owners only plant trees, shrubs and other vegetation native to the region. In cases where the Owners desires to plant select ornamental trees, shrubs and vegetation not native to the region, it is recommended that Owners seek varieties that “fit” the landscape setting and aesthetic of the adjacent property and dwelling.

5. Invasive Vegetation. Per the spirit of paragraph (4) above, in no case will any variety of “invasive vegetation” be planted in BHE. This includes planting in the ground or in pots, planters and vegetable gardens. Experience has shown that, despite the Owner’s best intentions, control of this type of vegetation is difficult and often results in uncontrolled spread to adjacent properties. Species information and a listing of invasive vegetation can be found at the North Carolina Forest Service at the following links:

[https://www.ncforestservice.gov/forest\\_health/invasives.htm](https://www.ncforestservice.gov/forest_health/invasives.htm)

<http://nc-ipc.weebly.com/nc-invasive-plants.html>

6. Fines. Owners will incur fines for violations of all applicable CC&R policies, including the stipulations above, per the provisions of the BHE Fine Policy.

**NOW THEREFORE, BE IT RESOLVED**, that the undersigned, being the 2022-2023 Brook Hollow Estates Property Owner’s Association, Inc. Board of Directors, have approved, ratified, and adopted the above Clearing and Landscaping Policy this 7th

Day of May, 2022.

Beth E Maida  
Beth E. Maida, President

Tana Baker  
Tana Baker, Secretary

Owen W Englander  
Owen W. Englander, Director