

Volume 6, No. 6

September 2006

The Hickory Farms Newsletter

Who Should I Call ?

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Dante Gilmer – Vice President
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Jaime Gutierrez – Treasurer
703-425-7919
Dave Dempster – Secretary &
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703-503-0561
Angel Meza – Community Fields,
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Diane Klingemann – Welcome
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*Hickory Farms Community Association
Fairfax County, Virginia
www.hickoryfarms.org*

Do you speak a foreign language *and* English? If you know of a Hickory Farms neighbor who speaks the foreign language only, please offer to review this newsletter with them. It contains lots of information that is helpful to *all* Hickory Farms residents.

Welcome back from summer. The kids are back in school, the drought is hopefully over, and we can creep out of our air conditioned homes to welcome any folks who have moved into the neighborhood. There have been a few changes during the summer, though. President Jeff Altman moved Up North and Mike Martin stepped up as our new President. Rebeka and Wes Moore are now jointly leading the Architectural Control Committee, a position previously held by Mike. And, Jennifer Maloney has taken a well deserved respite from her newsletter editor duties. Since yours truly retired from the federal government on September 1, he now has some free time to take hold of the editorial reins.

As an FYI, we're considering updating our Rules and Regulations. Also, the ACC group has developed a helpful "how to" article on preparing an application for architectural review. See articles inside.

Here are a few important upcoming events. On Saturday, September 30, you can sell your used "stuff" at our annual community yard sale. Details inside.

Also, the Community will hold its annual meeting in October. You'll hear more about that later.

Join the Hickory Farms e-mail List

- Get up-to-the-minute news on neighborhood happenings
- Ask your neighbors to recommend a contractor/repairman
- Locate a lost and found item
- Get an advance copy of this newsletter

Visit www.hickoryfarms.org and click e-mail service.

We Can Stop Crime If We All Work Together !

Hickory Farms is a Neighborhood Watch community. Every Friday and Saturday night, two volunteers slowly drive through Hickory Farms and look for suspicious activity. The car is marked with bright magnetic "Neighborhood Watch" signs. When the volunteers see something unusual, they call the police. Volunteers *never* get involved with troublemakers. While everyone in Hickory Farms benefits from Neighborhood Watch, not everyone participates. Won't you please join Neighborhood Watch? The more neighbors who join, the less often each of us has to volunteer. You only need to volunteer once every six months to make the program work!

Joining Neighborhood Watch helps keep Hickory Farms a safe and secure place to live. It is also a great way to meet your neighbors. Each Neighborhood Watch crew includes two adult volunteers. They can even be members of the same family (such as husband and wife).

To volunteer for Neighborhood Watch or just to learn more, *please* call Dave Dempster at 703-503-0561, or e-mail ddhokies@cox.net

Neighborhood Watch Schedule – September and October 2006

Fri	September 1	Bob Bentley	Nancy Bentley
Sat	September 2	Ron Cruz	Louise Cruz
Fri	September 8	New Volunteer Needed!	New Volunteer Needed!
Sat	September 9	Debbi Buchanan	Scott Buchanan
Fri	September 15	Jaime Gutierrez	Ed Wagner
Sat	September 16	Harry Herchert	Ginny Herchert
Fri	September 22	Pingjun Li	Wang Chan Cheng
Sat	September 23	Greg Gillette	Kathy Gillette
Fri	September 29	Dave Maurer	Sanjeev Munjal
Sat	September 30	Bob Sottile	Lee Sottile
Fri	October 6	John Kitzmiller	Brand Niemann
Sat	October 7	David Froberg	Beverly Froberg
Fri	October 13	Ron Arnold	Charles Walters
Sat	October 14	Kirk Randall	Mike Martin
Fri	October 20	Bob Cosgriff	Don Klingemann
Sat	October 21	Jeff Lindsay	Larry Rogers
Fri	October 27	Angel Meza	Jason Meza
Sat	October 28	Eric Maribojoc	Clarisa Dacanay

Do We Have Your Contact Information ?

Jaime Gutierrez – Treasurer

Some homeowners have not provided the Board of Directors with their contact information. The Board needs this information to effectively manage the Association. This information is not given to anyone outside the Board. We need the information in order to help you in case of an emergency; however, *you* are responsible for informing the Board of your whereabouts, *not* the Board.

If you rent out your Hickory Farms home, the Board needs to know your permanent address so that we can mail the newsletter and annual dues bills. In the past, we have had homeowners that rent their homes and missed paying their, incurring late fees. The homeowner – *you* – is responsible for informing the Board of your whereabouts so they can find you when it comes time to collect dues.

If you are not sure if we have your correct contact information, e-mail me at jagutierrez1@cos.net or send the information to HFCA, PO Box 2239, Fairfax VA 22031

State Law Requires that You Provide the Purchaser Certain HFCA Documents *Before* You Sell Your House

Jaime Gutierrez – Treasurer

When you sell your home, you *must* obtain the Virginia Property Owners Act (VPOA) documents from the Hickory Farms Community Association. You must then give these to the purchaser. If you do not produce these documents by settlement, the buyer may cancel the purchase contract. This is permitted under Article 55-511 of the Virginia Property Owners Act, below. The HFCA charges a nominal fee to prepare these documents for you. Please contact the Treasurer, named above, and give him or her plenty of time to respond to your request for the VPOA Package (they go on vacation, too, you know!).

§ 55-511. Contract disclosure statement; right of cancellation.

- A. Subject to the provisions of subsection F of § [55-512](#), a person selling a lot shall disclose in the contract that (i) the lot is located within a development which is subject to the Virginia Property Owners' Association Act; (ii) the Act requires the seller to obtain from the property owners' association an association disclosure packet and provide it to the purchaser; (iii) the purchaser may cancel the contract within three days after receiving the association disclosure packet or being notified that the association disclosure packet will not be available; (iv) if the purchaser has received the association disclosure packet, the purchaser has a right to request an update of such disclosure packet in accordance with § [55-512](#); and (v) the right to receive the association disclosure packet and the right to cancel the contract are waived conclusively if not exercised before settlement.

For purposes of clause (iii), the association disclosure packet shall be deemed not to be available if (i) a current annual report has not been filed by the association with either the State Corporation Commission pursuant to § [13.1-936](#) or with the Real Estate Board pursuant to § [55-516.1](#), (ii) the seller has made a written request to the association that the packet be provided and no such packet has been received within 14 days in accordance with subsection E of § [55-512](#), or (iii) written notice has been provided by the association that a packet is not available.

B. If the contract does not contain the disclosure required by subsection A, the purchaser's sole remedy is to cancel the contract prior to settlement.

Share Your Joy with Your Neighbors

e-mail your 50+ year wedding anniversaries, new births, high school and college graduations, and college acceptance information to the newsletter editor at kirk_randall@hotmail.com. The information will be included in the next Hickory Farms newsletter.

Thank You, Jennifer !

Jennifer Maloney has passed the editorship of the Hickory Farms Newsletter over to me, beginning with this issue. Jennifer did a wonderful job during the several years she served as the community's major communicator. I look forward to carrying on her tradition of service to Hickory Farms. If I can do half as good a job as Jennifer, I'll consider myself a success. Your new editor – Kirk Randall.

Hickory Farms Rules and Regulations May Be Updated

The Board of Directors has approved an initiative to update the Hickory Farms Rules and Regulations. The Rules and Regulations may be viewed at www.hickoryfarms.org under "Laws, Rules, and Regulations."

In order to provide more specificity to the Restrictive Covenants, the Board of Directors passed the Rules and Regulations in 1997. The Rules and Regulations Interpret the Hickory Farms Restrictive Covenants. The Rules and Regulations describe the use of the common areas and facilities, use of property, describes when approval of the Architectural Control Committee (ACC) is required, describes acceptable fences and enclosures, describes how lots, yards, and carports are to be maintained, the operation of the ACC, restrictions on parking boats, trailers, tents or temporary structures or portable vehicles other than automobiles, handling of rubbish, trash, garbage, yard debris, etc., and due process procedures for handling and enforcement of violations of the Restrictive Covenants.

Any homeowner may propose a revision to the Rules and Regulations. Send your proposed revisions to kirk_randall@hotmail.com (that's an underline after "kirk") or mail them to 4279 Country Squire Lane. Include a short description of why you believe the rule or regulation change is appropriate. And, if you can, include a digital photo (For example, if you believe a certain style of fence should be prohibited, a photo of that kind of fence would be helpful). Your name will not be included with the proposed change when it is considered by the Board or Directors or homeowners. After initial screening by the Board of Directors for consistency with the community's Restrictive Covenants and By-Laws, the proposed changes will be submitted to the homeowners for a vote. Based upon the voting of the homeowners, the Board of Directors will then amend the Rules and Regulations, if needed.

George Mason University Is Getting Bigger

The Commonwealth of Virginia plans to expand the student body size at the three northern Virginia campuses of George Mason University by 30-40,000 students in the next few years. See GMU's master plan at <http://facilities.gmu.edu/masterplans/index.htm> .

Much planning has been done by GMU to accommodate these additional students, but not so much has been done to anticipate the effects so many additional students (and cars) will have on the surrounding communities. A task force of community groups is working with Braddock District Supervisor Sharon Bulova to make their concerns and suggestions known both to the GMU administration and to elected officials in Richmond who can help make sure that as funds are allocated for development within the campus, they are also spent on appropriate coordinated development of infrastructure in the surrounding communities. One of the initial areas that may be impacted is student housing. GMU wants to build faculty housing in order to recruit and retain qualified professors. However, that same land can be used for higher-density student housing. Residents of communities might prefer that student housing be built because its availability would prompt fewer students to move off campus into the surrounding communities.

For more information, read the August 9 Washington Post article, available at <http://www.washingtonpost.com/wp-dyn/content/article/2006/08/08/AR2006080801264.html> (You may need to register with the WP to read this article). The Board of Directors is participating in community discussions on this issue and will brief you when it has more information on the subject.

Spanish Speaking Volunteers Needed

The Fairfax County Juvenile and Domestic Relations District Court (JDRDC) is seeking volunteer Spanish language interpreters to assist court staff and clients at the Old Courthouse, 4000 Chain Bridge Road, Fairfax City and at off-site facilities. Training will be provided. Those who qualify as volunteers in this program will serve assignments in various units in the court and provide in-house translations at:

- JDRDC offices in the courthouse —Domestic Relations, Juvenile Intake, Adult Probation, Family Systems, Special Services, Community Service, Restitution, Formal and Informal Hearings, Records, Clerks and Administration.
- JDRDC off-site facilities — North County, East County, Center County, Juvenile Detention Center, Less Secure Shelter, Boys Probation House and Girls Probation House

Fluency is required in both English and Spanish. A commitment to a weekly four-hour shift during business hours (8 a.m. to 4:30 p.m.) for at least six months is required. Applicants must be at least 21 years of age. Volunteer applicants will be required to successfully complete a DMV, Child Protective Service and criminal history record check. For more information about the Volunteer Interpreter Program or to request an application, please contact the volunteer coordinator, Loida Gibbs, at 703-246-2856 loida.gibbs@fairfaxcounty.gov.

Korean Speaking Volunteers Needed

The [Fairfax Area Agency on Aging](#) and local Korean community organizations are working together to create a volunteer-based program for Korean seniors in our community. Bilingual (Korean / English) volunteers are needed to offer telephone assistance to Korean-speaking older adults who need resources and services. Familiarity with the Internet is also needed. Ongoing training and support will be provided. Call 703-324-7647 or e-mail michelle.monk@fairfaxcounty.gov.

Hickory Farms Community Yard Sale September 30 8 AM to 12 Noon

We're back to holding yard sales in the fall. We get a better turn-out of shoppers and better participation from homeowners, than in the spring.

HFCA will arrange advertising and will provide maps showing participating yards.

You will search your basements, attics, garages, and sheds for stuff you want to get rid of, and be ready to start selling at 8:00 AM on Saturday September 30th!

The \$10 fee will be collected on sale day

We need **young men and women** to hand out community maps at the Roberts Road and Cotton Farm Lane entrances and to help with taking leftovers to Goodwill or the dump. They will be paid. Contact Pete Scala if interested.

We also need **adult volunteers with pickup trucks** to pick up your leftovers and take them to Goodwill or the dump.

Contact Pete Scala at (703) 764-0730 or pscala@cox.net to sign up.

The secret to a successful yard sale.

- 1. Select worthwhile items to sell.** You may have some true junk to sell; but your chances of selling it, or anything else, go up if you get people to look at your stuff by having good things out there.
- 2. Prepare your merchandise ahead of time.** Wash and press clothes, dust and polish furniture, paint and oil old bikes, make sure electronics work and have demo CDs, tapes, etc.
- 3. Stock up on loose change.** You'll need bills and coins; how much depends on how many things you have for sale, and what prices you pick (if your stuff is all 5.99, 11.59, etc., you'd better have a lot of pennies!).
- 4. Put prices on your sale items the night before; use large tags.** People will try to bargain you down, so take that into account when you pick your asking price.
- 5. Put out your sale items in an attractive display.** Run extension cords to power

electrical appliances, so you can demonstrate they work.

6. **Be ready early on Saturday morning.** Aggressive yard sale shoppers start as early as 6:30 a.m. If you're out there in the dark, you can get their business.
7. **Have a chair to sit on and a partner to work with.** The day will get long. You might have to take a break. You might want to make up some lemonade the day before, as well.

Are You Renovating Your House? Get Your Proposed Changes Approved Quickly!

(This document is available at www.hickoryfarms.org)

If you are changing the external appearance of your property, you must obtain Hickory Farms Architectural Control Committee (ACC) approval *before* construction begins.

The ACC is appointed by the Hickory Farms Board of Directors to review applications for modification to the exterior appearance of houses and other appearance items relevant to our community. The ACC enforces the Hickory Farms Restrictive Covenants, dated October 20, 1975. The Restrictive Covenants are recorded on Page 519 of Fairfax County Deed Book 4302. The Restrictive Covenants have been interpreted in the Hickory Farms Rules and Regulations, adopted by the homeowners of Hickory Farms in December 1997, as amended. Copies of the Restrictive Covenants and the Rules and Regulations may be found on the Internet at www.hickoryfarms.org.

This document does not constitute a binding interpretation of the responsibilities of the ACC, the Restrictive Covenants, or the Rules and Regulations. The ACC has broad authority to interpret the Restrictive Covenants. It is the role of the ACC to interpret and rule in accordance with the Restrictive Covenants, at the time the application is reviewed, to preserve the property values, maintain the harmony of the community, and maintain its desirability as a neighborhood in which we live.

Although the ACC has up to 30 days to review your application, most requests are processed more quickly than that. If your application for ACC approval is not considered complete as to the information required to evaluate the application, the ACC may ask you for more information. The "30 day clock" restarts when required information is submitted. So, make your first submission your best; it will save you time, and time the ACC members need to review your application.

Check with the Fairfax County Public Works and Environmental Services Department – Building Permits (703-222-0114) to determine whether its approval is needed. On the building permit application is a note that Fairfax County approval is contingent upon approval by the applicable community association (i.e., the Hickory Farms ACC). We recommend that you attach a copy of your ACC approval letter with your building permit application.

Fairfax County is generally concerned about the structural and zoning aspects of your project, not its appearance (color, style, etc.) Conversely, the ACC is more concerned about the harmony of the appearance of the project with the rest of the community, not technicalities such as how deep your footings are. *Thus, even if a project is permitted by the Fairfax County building code, that does not mean that it is consistent with the Restrictive Covenants.*

This is not an all inclusive list of the kinds of applications that the ACC reviews.

- Modifications to your house that affect the outside appearance of the house.
- Changes to the elevations of the property around the house, including regrading of the property.
- Changes to driveways and sidewalks, including widening.
- The construction and location of sheds and fences.
- The ACC does not review interior modifications to your house that do not change its exterior appearance.
- The ACC does not review the removal of or planting of trees and shrubs, except for the planting of "ornamental hedge fences" in the front yard.

The ACC may grant a waiver to the Restrictive Covenants only where specified. However, many Restrictive Covenant provisions are absolute and cannot be waived. For example, the prohibition against fences in the front yards of houses is absolute; there is no provision that permits the ACC or any other entity of Hickory Farms, such as the Board of Directors, to approve such a fence. The only way such a proposal could be permitted would be if 75 percent of the homeowners vote to approve a change to the Restrictive Covenants themselves.

Each ACC member reviews your application by checking out your house and votes whether the proposal is consistent with the Restrictive Covenants. A majority vote of ACC members is needed to approve the application. Although the ACC has the final say as to approving or disapproving an application, for controversial projects the ACC may consult with the Board of Directors or the membership at large for a sense of the community.

ACC approval is required before any construction may begin. If the homeowner begins construction without ACC approval, the ACC, through the Board of Directors and legal counsel, may 1) file a complaint with the Fairfax County building permit authorities asking it to order a halt to construction, 2) contact the homeowner and request the homeowner to stop construction, or 3) file a lawsuit in Fairfax Country court. Either action could prove very costly for the homeowner. Moreover, if the homeowner does not obtain prior ACC approval for the project, the homeowner runs the risk of the Hickory Farms Community Association placing a lien against the property; the homeowner could be forced to bring the property into compliance before it is sold. At the very worst, the homeowner could be required to tear down the project and restore the home to a state that is in compliance with the Restrictive Covenants before it is sold.

Only ACC approvals in writing are valid.

Construction of the project must be conducted as described in the application which has been approved by the ACC.

ACC approval is valid only for the project as described in the application. If the homeowner deviates from the specifications in the application, the ACC approval is not valid.

Here are some suggestions on how to help the ACC process your application as quickly as possible.

- Use the ACC Application for Architectural Review form which may be found on the Internet at www.hickoryfarms.org , or is frequently attached to the community newsletter.
- *Legibly* hand print or type your application.
- Note that each application is photocopied and hand delivered to the ACC members. Photocopying takes time that the ACC could spend reviewing your application. Although not required, consider delivering six photocopies of your application to the ACC.
- Hand deliver or e-mail your application to the ACC. The name of the Chairman of the ACC may be found at www.hickoryfarms.org
- The 30 day review clock begins with actual receipt of the application by the ACC, not the date it was postmarked. If you mail an application to the Hickory Farms post office box, it may take a week or more to be delivered to the ACC.
- If possible, give the ACC photographs of the relevant portions of your property. Include photos of other houses in the neighborhood that have done similar projects.
- The ACC is interested in how the appearance of your property will change. If possible, please provide “before” and “after” sketches or drawings.
- If the project changes the house’s footprint on the property, provide a copy of the property survey, showing the exact location of the modifications.
- Provide as much detail and information as possible as to the materials to be used, including color, texture, etc. If possible, obtain samples from the manufacturer or supplier of the material; e.g., brick, siding, shingles, paint color chips, etc.
- If the project is complex, such as an addition or substantial remodeling, the ACC may request a copy of the detailed exterior plans that were submitted and approved for the Building Permit by Fairfax County.
- The ACC can be particularly helped by a full color “after” drawing showing the completed project.
- These plans, color renditions, and product information may be retained by the ACC and will be considered to be part of the application.

Approved by the Hickory Farms Architecture Control Committee