

ISSUE #1

MARKUP #1 ->

Section 1: [ARC Guidelines - Solar Panels, Wind Turbines, Wind Mills and Other Green Technologies] Mandate that Solar Panels, Wind Turbines, Wind Mills and Other Green Technologies must be inconspicuous from the street, public areas, neighboring properties and generally located in rear yards. The scale must be small and residential in nature. When mounted to a home, they should be compatible in color and located on the rear roofline or elevation - hidden from adjacent view.

Section 2: [ARC Guidelines - Clothes Lines] Restriction of Exterior Clotheslines to Small, Non-Visible Rear Yard Apparatus
Clothes lines require approval of the Covenants Committee. In accordance with Section 14-130 of the Real Property Article of the Maryland Code, clothes lines or similar apparatus for the exterior drying of clothes shall be permitted, only when the Covenants Committee finds that such apparatus is not highly visible, is located near the house in the rear yards, and is small in size.

Section 3: [Fining Policy Resolution, Section A.1.b] Mandatory Closed Executive Session for Member Violation Hearing
Within one year after the Default Notice is given to the alleged violator, the Board gives the alleged violator Notice of a hearing to be held by the Board at a Board Meeting in closed session... A hearing shall have been held in closed session under the Notice (i) at which the alleged violator has the right to present evidence and present and cross-examine witnesses...

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. ARC Guidelines - Solar Panels, Wind Turbines, Wind Mills and Other Green Technologies (p. 1): Mandates that roof-mounted green technologies/solar panels be 'inconspicuous from the street' and 'located on the rear roofline or elevation - hidden from adjacent view'.

Statutory / Legal Reference: Md. Code Ann., Real Prop. § 2-119 (Maryland Solar Collector Systems Law)
Statutory Comparison: Under Md. Code Ann., Real Prop. § 2-119(b), a restriction on use may not impose or act to impose unreasonable limitations on the installation of a solar collector system - defined by § 2-119(a)(3) as any limitation that significantly increases the cost (by more than 5%) or significantly decreases the efficiency (by more than 10%) of the solar collector system, such as forcing solar panels onto a north-facing rear roof.

CURRENT WORDING IN DOCUMENT:
[ARC Guidelines - Solar Panels, Wind Turbines, Wind Mills and Other Green Technologies]
Mandate that Solar Panels Be Hidden on Rear Roofline and Inconspicuous from Street - Green Technologies must be inconspicuous from the street, public areas, neighboring properties and generally located in rear yards. The scale must be small and residential in nature. When mounted to a home, they should be compatible in color and located on the rear roofline or elevation - hidden from adjacent view.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
Amend Section ARC Guidelines - Solar Panels, Wind Turbines, Wind Mills and Other Green Technologies ([ARC Guidelines - Solar Panels, Wind Turbines, Wind Mills and Other Green Technologies] Mandate that Solar Panels Be Hidden on Rear Roofline and Inconspicuous from Street - Green Technologies must be inconspicuous from the street, public areas, neighboring properties and generally located in rear yards. The scale must be small and residential in nature. When mounted to a home, they should be compatible in color and located on the rear roofline or elevation - hidden from adjacent view.) to conform with Md. Code Ann., Real Prop. § 2-119 (Maryland Solar Collector Systems Law) and the manual attorney audit recommendations for Wilson's Grove Homeowners Association, Inc..