

WATERFORD PLACE

Tot Lot Update & Playground Drainage Improvement Scheduled

In June, the Board of Directors approved the following: 1) a drainage improvement project to address the stormwater drainage in the Tot Lot location, 2) plans to update the playground equipment to meet current code standards, and 3) upgrade the age group rated for the playground equipment from 2-5 to 2-12 years of age.



The project's plans consist of:

- Removing and replacing all damaged wood retaining wall barriers
- Removing mulch and re-grading where needed
- Replacing retaining wall timbers
- Installing underdrains and pipes and cleaning the existing inlet stormwater drains
- Installing a new ADA-compliant Woodcarpet® engineered wood fiber
- Installing a new, code-compliant playground equipment structure rated for ages 2-12 years, plus new benches and trash receptacle

Beginning in mid-August 2022, the Tot Lot location will be closed. In addition, access to the Common Areas adjacent to the Tot Lot, the asphalt walking path, the Common Area between the Tot Lot and the main inlet stormwater drain near the townhomes at 20301 and 20285, and parking spaces in front of 20301-20313 townhomes will be blocked and restricted for use by the contractors supporting these projects. (*Towing will be in effect.*)

Following the closure of the Tot Lot, representatives from Playground Specialists, Inc., will begin removing the wooden timbers (retaining wall barrier) and the current playground equipment, benches, and trash receptacle from the Tot Lot site.

Following the removal of the playground equipment benches, trash receptacle, and timbers, a site engineer from the Falcon Group and contractors from LCS Property Services, LLC, will be onsite to begin the process of digging trenches and installing new underdrains and pipes between the Tot Lot and the main inlet stormwater drain. In addition, the existing inlet will be cleaned, and rip rap stone surround will be installed. Weather permitting, this drainage improvement project is estimated to be completed within 6-10 business days.

Installers from Playground Specialists, Inc. will return to install new timbers (retaining wall border), a new play structure rated for ages 2-12, a trash receptacle, benches, and a Woodcarpet® engineered wood fiber play surface.

The new preconfigured equipment selected to replace the current equipment is designed to challenge kids' bodies, minds, and imaginations, encouraging inclusive play, and promoting child development. In addition, the equipment and play surface will comply with the ADA regulations and meet American Society for Testing & Materials (ASTM) F1487 and U.S. Consumer Product Safety Commission (CPSC) PUB.325 standards.

Weather permitting, the playground equipment installation project should be completed within 3-5 business days after the drainage improvement project is completed and inspected. Following a certified inspection of the playground equipment installation, access to the area will be restored for Waterford Place residents' use and enjoyment. (*Visit waterfordplacehoa.org for additional info and updates.*)



Tree Care in the Community: You Asked, We Answered

The Waterford Place Homeowners Association (HOA) Board of Directors and property manager are aware that some of the homeowners in the Waterford Place community have questions and concerns about pruning, trimming, removal, etc., for the trees located on their private lots/within their property lines.

The following are a few questions and answers about the landscaping, lawn, shrubs, and tree care services provided by the Waterford Place HOA through the use of contractors paid by the HOA annual assessment fees; and the responsibility of each homeowner to provide and maintain the care and costs for the landscaping, shrubs, and trees located on their individually owned lots/within their property lines.

Who is responsible for trimming/pruning a tree that is located in my yard/lot (within my property line)?

The responsibility for the costs, care, and maintenance of trees (and shrubs) located on individually owned lots lies with the homeowners. The Waterford Place HOA is **not** responsible for the costs, care, or maintenance of the tree(s) on Waterford Place homeowners' individual lots/yards.

I pay an annual/monthly HOA assessment fee. Aren't tree care services covered through these HOA assessment fees?

The HOA assessment fees are only for the repair, replacement, and maintenance of the Common Areas of the Waterford Place community. The HOA assessment fees you pay include tree care services for **trees located in the Common Areas of the Waterford Place community ONLY**. These tree care services do not include the trees in your private lot/yard (within your property line).

The landscaping and lawn care contractor for the Waterford Place community occasionally trims the shrubs in my yard. So why won't they also trim my tree(s)?

In the current lawn and landscaping contract, the contractor (Howell Brothers) offers a once-a-year trimming of shrubbery located on individually owned

lots. This service does not include trimming/pruning any tree(s) located on individually owned lots. Additionally, the contractor is not licensed by the state of Maryland to perform tree care services and, therefore, is not contracted to provide tree care services for any trees (in the Common Areas or individually owned lots) located in the Waterford Place community.

Who should I contact for assistance with trimming/pruning a tree that is located in my yard/lot (within my property line)?

Homeowners are advised to contact a tree care services company licensed by the state of Maryland to perform tree care services (trim branches, prune, remove, etc.) for a tree located on your lot/yard.

Waterford Place homeowners are reminded that only Maryland Licensed Tree Experts should be hired to trim branches, prune, and remove trees – they are the only tree care professionals who lawfully can perform this work in Maryland. (*This is a state law.*)

The Maryland Department of Natural Resources has a few important suggestions that homeowners should follow before hiring a contractor to do the work. A company that isn't licensed is not only violating the law but may not have the proper coverage in case of damage or injury. For more information, visit the Maryland Department of Natural Resources online. <https://news.maryland.gov/dnr/2020/11/19/marylanders-reminded-to-hire-licensed-tree-experts/>

What is the purpose of the Maryland Tree Expert Law?

The Maryland Tree Expert Law addresses tree care work done for compensation on private or public property in Maryland. The purpose of the law is to provide a layer of consumer protection by licensing qualified and insured tree care companies and individuals. Maryland Licensed Tree Experts must maintain insurance covering the tree work, not just "bonded and insured," as business advertisements state.

A tree or parts of a tree fell on my property - Who is responsible?

In Montgomery County and all of Maryland, when a

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tree or its branches fall, it is considered an “Act of God.” This means the portion of the tree and the damage from it that is on your property is your responsibility to clean up and repair.

The portion of the tree and damage to neighboring properties is their responsibility. Such accidents are normally covered by the affected owner’s insurance and are usually resolved by reporting a claim.

An exception to this general rule is that the owner of the property where the tree originated may be responsible for damage to a neighbor’s property if the owner knew, or had good reason to know, that the tree presented a danger to adjoining properties.

For example, if a tree was diseased and had been weakened by storms, it may be fair to say that the owner had reason to believe that the tree would fall and, judging by its size and location, damage a neighbor’s property. Otherwise, if a hazardous condition is unknown, the accident is considered an “Act of God,” and the affected property owner is therefore responsible for the damage to their property.

I want branches removed that are overhanging my property, but the tree belongs to my neighbor (or the HOA) – Who is responsible?

Maryland has adopted the “Massachusetts Self-Help Rule” that says you must assume responsibility for the care and preservation of your own property. This means that you can cut branches that hang over onto your property. However, you may not destroy the tree in the process, nor can you cut the tree down.

Also, you must stop at the property line unless the neighbor (or the HOA) has given you permission. (It’s best to obtain written permission). Any person who trespasses and removes trees or branches without an owner’s (or the HOA’s) permission, unless they work for a public service company or a public roads agency, may be liable for any surveys or appraisals needed, court costs that may incur, and triple the amount of the value of the trees or timber cut.

If the tree is already down on the ground, does the person need to be Maryland Licensed Tree Expert to remove the tree?

No. If the tree is already on the ground, the person removing the tree does not need to be a Maryland Licensed Tree Expert. If the tree is being cut into firewood to sell, the person doing the work must be a licensed forest product operator. For additional information and a listing of Licensed Forest Product Operators: <http://www.dnr.state.md.us/forests/>.

I think my neighbor’s tree is hazardous. What should I do?

If you think your neighbor has a tree that is hazardous to your property, you should try to resolve your concerns with your neighbor. If you cannot do so, contact Montgomery County at MC311, they may be able to help you. To file a complaint, call 311 or visit <http://www.montgomerycountymd.gov/311>.

Trees are one of the most important natural resources we have, and they are one of our few truly renewable resources too. There are several laws and programs designed to protect our trees and forests, as well as encourage more plantings.

Learn more about some of the local and state laws that manage our trees in Montgomery County.

For more information, visit:

<https://www.montgomerycountymd.gov/green/trees/laws-and-programs.html>



Raccoons in the Neighborhood – The Hazards of Raccoon Latrines



For the past several months, some Waterford Place residents have reported seeing raccoons in the community. Evidence of raccoons in the neighborhood has been documented on home surveillance camera footage showing raccoons climbing over and walking on top of backyard fences and fence walls, climbing on front steps/porches, as well as residents identifying and reporting raccoon droppings (feces) deposited on their lots, decks, etc. These raccoon droppings could indicate that the raccoon(s) may be establishing latrines within the Waterford Place community.

What is a raccoon latrine? Raccoons defecate in communal sites called latrines. Raccoon feces usually are dark and tubular and have a pungent odor. Latrines may be found at or on trees (around the base and at forks), raised horizontal surfaces (such as fallen logs, stumps, woodpiles, or large rocks), decks, patios, and attics, garages, etc.

Why are raccoon latrines dangerous? Raccoons are the primary host of *Baylisascaris procyonis*, a roundworm that can harm people. Roundworm eggs are passed in the feces of infected raccoons, and people, as well as a variety of other animals, including dogs, become infected by ingesting eggs or inhaling feces particles with the roundworm if the feces has dried and is disturbed while removing the dried wastes. Therefore, anyone who is exposed to environments where raccoons frequent is potentially at risk. Young children or developmentally disabled persons are at the highest risk for infection as they may be more likely to put contaminated fingers, soil, or objects into their mouths.

What should you do if you find a raccoon latrine? If you have found a raccoon latrine in or near your home, cleaning the area may prevent possible infection. Eggs in newly deposited feces are not infectious and take at least 2–4 weeks to become infective. Therefore, prompt removal and destruction of raccoon feces will reduce the risk of exposure and possible infection. You are advised to wear an N95/KN95 mask when handling the feces. See CDC guidance on raccoon latrines at <https://www.cdc.gov/parasites/baylisascaris/resources/raccoonlatrines.pdf>.

What should you do if you find a raccoon has established a den/nest on your lot/property? If homeowners discover and/or are aware that raccoons (or other wild animals, rodents, rats, snakes, etc.) have established dens or nests on their lots/property, the homeowners are responsible for the costs of trapping and/or removing the wild animal(s) from their lots/property.

By allowing the raccoons (or other wild animals) to den on their lots/property, the homeowners are maintaining, keeping, and boarding the raccoons (or other wild animals), which is considered a violation of the *Declaration of Covenants, Conditions, and Restrictions (CC&Rs)* of the Waterford Place Homeowners Association, Inc.

Under Article VII – Architectural Control – Use Restrictions, Section 8(b) - Prohibited Uses and Nuisances in the CC&Rs, it is stated: “the maintenance, keeping, boarding or raising of animals, livestock, or poultry of any kind, regardless of number, shall be and is hereby prohibited on any Lot or within any dwelling, except that this shall not prohibit the keeping of dogs, cats or caged birds as domestic pets, provided they are not kept, bred or maintained for commercial purposes and, provided further, that such domestic pets are not a source of annoyance or nuisance to the neighborhood or other members.”

Each Waterford Place homeowner has the responsibility and duty to maintain their lots/property as stated in the CC&Rs. If you have discovered raccoons (or other wild animals) are denning on your property, take action today to trap and remove the wild animals from your lot/property and the community. Again, we thank you for your time, consideration, and efforts in keeping our community safe, clean, and free of potential hazards to human health.