

The Parks, Lawns, and Ball field Committee acts as steward of the Parkwood Community common areas, and oversees the maintenance, implementation, conservation and management of the 143 acres of parkland, waterways, wetland buffer, hiking trails, ball field, and recreational spaces within the community.

Policies Governing Trails in Parkwood's Common Areas

Background: Parkwood's footpaths and trails throughout our Common Areas are highly valued amenities available for the benefit of residents, guests, and the public. The Parkwood Parks and Open Space Comprehensive Master Plan completed in 2018 by Stewart on behalf of the Association, identified many needs for improvements and contained recommendations for further development of our trail network (*see References*). The Plan highlighted the importance of improved maintenance of existing trails; better signage and maps, for increased community knowledge of their locations; and enhancements to provide more connectivity, accessibility, and passive recreational utilization of additional Common Areas. The Forest Stewardship Plan completed by the NC Forest Service for Parkwood in 2019 also identified both improvements needed for existing trails, and prime candidates for new trail development, in addition to providing guidelines for maintaining healthy woodlands and waterways (*see References*).

The Parks, Lawns, and Ball field committee has developed these policies, for approval by the HOA Board, recognizing HOA best practice guidelines, in order to uphold the policies of the Parkwood HOA as outlined in the Parkwood Articles of Incorporation, Declaration of Restrictions, and Bylaws in decisions that affect the pathways in Common Areas (*see References*). These policies are designed to promote decision making that is equitable and promotes the safety and well-being of the homeowners and residents in the Parkwood community, and all who use the community trails and Common Areas.

Guiding Principles for establishment, use and maintenance of trails on Parkwood community property.

- 1) Trails play a critical role in promoting the health and safety of Parkwood residents and the enhancement of recreation, social life, and community welfare in accordance with the provisions of the Association's Articles of Incorporation and Declaration of Restrictions, established for the Parkwood Community.
- 2) The maintenance of existing trails shall be prioritized, and any new trail development shall be promoted only with the commitment that its perpetual maintenance shall be provided.
- 3) Appropriate measures will be taken in the development, use and maintenance of trails, to facilitate use that is inoffensive to residents of the adjacent areas, in accordance with Parkwood's Bylaws (*see Appendix*).
- 4) Individual homeowners may not make changes to Parkwood community property, including but not limited to removal of trees, shrubs, or changes to the course of

waterways; any proposed modification or development projects on Parkwood Common Areas must first be approved by the HOA Board.

- 5) Homeowners living in close proximity to HOA property who may be affected by any proposed projects or potential changes to the community property will be given advance written notice of any planned proposals, and afforded time to address any issues or concerns to the appropriate committees and the HOA Board, before a project may be implemented.
- 6) Issues regarding homeowner safety, privacy, and liability concerns will be given reasonable consideration prior to implementation of any potential community projects.

Development of New Trails: Policies:

- 1) Considerations for development will be given, but not limited to priority needs and potential pathway locations identified in the Stewart Master Plan and the Forest Stewardship Plan.
- 2) Proposals for any new trails or any potential changes in the Parkwood Common Areas must first be reviewed and approved by the appropriate committees, such as the Parks, Lawn and Ballfield Committee and Parklands Planning Committee, and approved by the HOA Board before any construction may be initiated.
- 3) General notification shall be given to the Parkwood homeowners and residents at least one month prior to initiation of a project requiring approval of expenditures by the HOA Board. This notification will take the form of an article in the community newsletter and postings on all electronic platforms widely utilized by the community, such as the Parkwood website, and Google group (*see References*).
- 4) Homeowners living adjacent to a Parkwood Common Area where a new pathway or alteration is proposed shall be given written notice of such projects. Homeowners will be given at least one month from notification to express any issues or concerns before a project may be implemented.
- 5) Where a Parkwood Common Area containing the pathway runs directly adjacent to private property, and the boundary line is unclear, the HOA property boundary shall be clearly demarcated.
- 6) All proposed new trail plans shall be reviewed for potential encroachment upon neighboring properties. Where property boundaries are in doubt, adherence shall be given to a land survey produced by a North Carolina Professional Land Surveyor, which shall be reviewed if available, or if needed shall be obtained by the HOA prior to approval.
- 7) Due diligence must be performed to verify that any trail project conforms to federal, state, and local laws prior to initiation of the project. Such confirmation should include compliance with appropriate storm water regulations, accessibility guidelines, setback requirements, and safety standards, and to effectively address any drainage issues.
- 8) Prior to the implementation of a new trail project, related maintenance costs will be assessed, and included in the trail proposal, with recommendations regarding budgeting of sufficient funds for ongoing maintenance.
- 9) Due diligence must be undertaken to follow the guidelines for protection of waterways, woodlands, and natural areas that may be affected by the proposed trail or alteration, as outlined in the NC State Forestry Report (2019), and as provided by federal, state, and local laws, prior to initiation of the project.

Use and Maintenance of Established Trails: Policies:

- 1) Funds for the maintenance of existing trails will be included in the annual HOA budget. This shall include provisions to maintain trail surfaces to assure safe access, removal of fallen trees, and management of vegetation that may impede pedestrian passage.
- 2) Rules for appropriate use of the trails are specified below. These Rules will be posted where master trail location maps are placed and publicized on the Parkwood website. Additionally, some hard copies will be made available at the HOA office, as needed.
- 3) Signage to clearly mark the trails will be installed. Trail maps will be made available to the Parkwood community at the HOA office and on the Parkwood website.
- 4) Appropriate demarcation of trails in areas adjacent to private property must be effectively maintained over time.

Rules for Use of Trails:

- 1) Trails are open to the public from dawn until dusk, throughout the year.
- 2) Trail users may not damage, harm or remove any trees, shrubs, plants, or wildlife.
- 3) No motor vehicles shall be used on Parkwood Pathways or Common Areas.
- 4) All dogs must be leashed at all times, and owners must clean up after their dogs.
- 5) Trail users may not litter.
- 6) Trail users must avoid trespassing on private property.
- 7) Parkwood Common Areas are a wildlife sanctuary, and closed to weapons, fires or fireworks of all kinds.
- 8) Be respectful of private property, and homeowner privacy.
- 9) Report any safety concerns to the Parkwood HOA Office.
- 10) Responsible use and care of the waterways is required. No littering or dumping of pollutants of any kind that could harm lakes, ponds, or streams.

APPENDIX: Excerpts from Parkwood Association Bylaws: III, Article IV

Parkwood Association Bylaws (most recently Adopted 9/11/2018):

ARTICLE IV: USE OF PARKS, PLAYGROUNDS, LAKES, PONDS, AND OTHER FACILITIES OWNED, OPERATED BY OR UNDER THE SUPERVISION OF PARKWOOD ASSOCIATION

Section 1. Rules and Regulations for Common Areas:

1. No bush, tree, or grass shall be removed from common areas without permission of the Parkwood Association.
2. No motor vehicles shall be used on any of the common areas except for maintenance. This shall include: a) mini-bikes and motorcycles; b) motorboats on the lakes, with the exception of boats with electric motors; c) automobiles, including those parked on the inside edges of circular streets.
3. Residents are responsible for their guests.
4. Activities on common areas shall be conducted in such a manner as to be inoffensive to the residents of the adjacent areas. (That is, the activities shall not be excessively loud or boisterous and every effort shall be made to avoid littering and trespassing).
5. All common areas are closed between 11:00 pm and 5:00 am.
6. There shall be no swimming in the lake or ponds.
7. All common areas are a wildlife sanctuary and closed to weapons and fireworks of all kinds.
8. Parents are responsible for their children's adherence to all the rules and regulations.
9. Any resident has the right and responsibility to report an infraction of the rules to the Durham Police Department or his district representative of the Parkwood Association.

Section 2. Damages: Any member shall be responsible for damages to Association property caused by the member, anyone in the family, or any guests.

Section 3. Suspension of Privilege: In the event of misuse of any properties or facilities above mentioned, the member responsible may, by a majority vote of the Board of Directors of the Association, be denied use for a period of time deemed necessary to ensure that further misuse shall not occur. Neither the Association nor any member shall be liable to the suspended member on account of such suspension or restriction.

References:

- Articles of Incorporation of Parkwood Association (A Non-Profit Corporation)
<https://parkwoodhoa.nabrnetwork.com/public/1284/art%20of%20incorp060.pdf>
- Bylaws of Parkwood Association Sept. 11, 2018
<https://parkwoodhoa.nabrnetwork.com/public/1284/Parkwood%20Bylaws%20September%202018-searchable.pdf>
- Declaration of Restrictions Affecting PARKWOOD (Recorded in Deed Book 269, p 675, Durham County Registry)
<https://parkwoodhoa.nabrnetwork.com/public/1284/Covenants%20CCR%20typed%20as%20searchable%20document.pdf>
- Definition of Wildlife Sanctuary: <http://natureconservation.in/definition-of-wildlife-sanctuary-according-to-wildlife-protection-act-1972/>
- NC State Forestry Evaluative Report (2019):
https://drive.google.com/file/d/1KoWqVUa-JY0m3iameZl4V_uQEtexPLKZ/view
- Stewart Master Plan (2018):
https://drive.google.com/file/d/16ihyfh_vRTHGzRCqJaJOz_xnfC7V_Kv7/view
- City and County of Durham. Durham Unified Development Ordinance:
<https://durham.municipal.codes>
- North Carolina Planned Community Act: Chapter 47F:
<https://www.ncleg.gov/Laws/GeneralStatuteSections/Chapter47F>
- Community Associations Net: HOA Management Best Practices:
<https://www.kppm.com/hoa-management-best-practices>
- United States Access Board, Trail Accessibility: <https://www.access-board.gov/guidelines-and-standards/recreation-facilities/outdoor-developed-areas/background/committee-report/trails>
- E.J. Remington, 2018; Ward & Smith PA, 2020: NC:
<https://www.wardandsmith.com/articles/best-practices-for-homeowner-association-directors-and-boards>
- NC Real Estate Commission: Understanding Home Owners Associations and their powers to enforce Restrictive Covenants and Rules in Planned Communities.
[https://www.ncleg.gov/DocumentSites/Committees/HSCHA2011/2011-12-5%20Meeting/NC%20Real%20Estate%20Commission%20\(REC\)%20Understanding%20HOAs%20and%20Their%20Powers0001.pdf](https://www.ncleg.gov/DocumentSites/Committees/HSCHA2011/2011-12-5%20Meeting/NC%20Real%20Estate%20Commission%20(REC)%20Understanding%20HOAs%20and%20Their%20Powers0001.pdf)