



Brunswick Forest Master Association, Inc.
C/o CAMS | 1612 Military Cutoff Rd, Suite 108 | Wilmington, NC 28403
CAMS Main Office: (910) 256-2021 | CAMS at BF: (910) 202-9890

ARC vs. Rules - Summary of Enforcement in Brunswick Forest - BFMA Approved February 2, 2017

The difference between the ARC and Rules is that ARC Design Standards specifically address the aesthetics of improvements and additions to the property, whereas the Restrictions and Rules generally address behavior and maintenance issues.

ARC: Establishing uniform enjoyment and harmony is a challenge that is nearly impossible to attain with so many differing tastes; however, **restricting the addition of major detractions and offensive items** can be obtained by the ARC process. The Review of the aesthetics of improvements is enforced in the ARC's sole discretion in accordance with Exhibit IV of the Master CC&Rs.

With regard to Exterior Decorative Items, the magnitude of ARC submittals for items that would be generally acceptable, even if not appealing to all, would be an administrative overload with owners needing to turn in a submittal for putting out a potted plant, porch furniture, garden statues, wind chimes, birdhouses, etc. Without any Exterior Decorative Items submittals, there were over 620 modification submittals in 2016 for major landscape plans, fences, etc. with only around 1500 homes on the ground. The ARC deems the ability to personalize one's home with non-permanent items, without needing ARC pre-approval for everything, as a benefit to owners and as adding to an owner's right to enjoyment of their property. Therefore, the BFMA Board adopted the Community Wide Standard, at a date that supersedes the CC&R's and Design Standards. This [Community Wide Standard](#) essentially allows owners to use their *best judgement* with regard to Exterior Decorative Items.

However, as referenced in the Community Wide Standard, "decorative items(s) MAY require ARC submission." Upon receiving a complaint, or in the ARC's discretion, **the ARC "MAY" ask the owner with the item(s) in question to submit for ARC Review and to follow the Design Review Process**. The ARC, in their sole discretion and while taking into account other generally accepted items in the community, complaints received, etc., will determine if an item is a **major detraction or offensive**. If so, then the owner will be asked to remove the item.

- If there is a complaint about an Exterior Decorative Item, or abundance thereof, owners, or Neighborhood Boards, are asked to put their complaints in writing to arc@brunswickforestmaster.com with the property address, photos, description of the location and the reason(s) that in their opinion they deem the item(s) to be a major detraction or offensive.
- This gives the owners and Boards a voice to the ARC when items are truly considered a *major detraction or offensive*. However, enforcement of Exterior Decorative Items continues to be vested with the ARC for the entire community.

The ARC is refining the Design Standards to incorporate some of the commonly permitted variances that have been approved as the community's tastes have evolved, not limited to fence types, etc. However, specifications regarding what is specifically allowed with regard to Exterior Decorative Items and their size, number, design, etc. will not be detailed. Enforcing "good taste" is a subjective and dynamic process that is best addressed on a case by case basis, with understanding for the many differences in tastes, while restricting major detractions and offensive items.



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RULES: Generally speaking, rules address behavior and maintenance type items. Neighborhoods can adopt and enforce their own rules in accordance with your governing documents, but these also must be in accordance with the BFMA Adopted [Rules and Restrictions Handbook](#).

Versus each Neighborhood having variations of the same rules, the BFMA adopted rules are community wide which brings solidarity to the community. These rules will be analyzed annually by Rules Committee Members for any suggestions to BFMA regarding any rules that need to be changed, deleted or added based on what is going on in your communities and what may be applicable for all residents. These rules are based on the initial Restrictions and Rules for the community, as well as on what the owners, Rules Committee and the BFMA Board feel should be in place to help maintain a sense of community in Brunswick Forest.

The process for enforcing the BFMA Restrictions and Rules involves the established BFMA Rules Committee. Each Neighborhood Board nominates a Neighborhood Rules Committee Representative. Neighborhood Committee Representatives are resident volunteers, just as the Neighborhood Board Members are volunteers. The Neighborhood Rules Committee Representative, with their NH HOA Management, assist with Rules Violations within their NH HOA. Management does not serve on the Board nor on Committees, but will continue to be involved, consult, provide administrative support, conduct inspections, send out letters, update and note accounts, answer questions, etc. Some larger Neighborhoods in Brunswick Forest may have more than one “good neighbor” representative, others are undecided at this time, and/or their Voting Member (Board President) is serving in the interim.

As an alternative to first receiving a formal violation letter, Owners first get the courtesy of a “good neighbor call” from their Neighborhood Representative, aka “good neighbor”. Their account is not noted and there is no record of the infraction. In most instances this is a quick process, of “Did you know XYZ”? “No, I didn’t know. Thank you for your call. I’ll get right on it.” Case closed.

This process of reaching out to *educate owners* with a neighborly phone call regarding what the rules are and how they can bring their property into compliance saves the HOA money and, more importantly, builds a sense of community among neighbors. People generally appreciate someone taking the time to call them. When someone gets a letter they are often upset by the letter; they are typically new to the community; in many instances may not be aware of the rules; they may be in poor health; or may be waiting on a family member to help them move something out of their yard, etc.. Also, more often than not, they ask why a neighbor didn’t come to them first. With a “good neighbor call” an understanding of the situation can be obtained, where possibly the neighbors could help, or they can work together toward a timeline for resolve vs. the non-compliant owner getting letters, notes on their account, etc., etc. Also, as an alternative to a resident feeling like they have to *report a neighbor*, residents can talk through a situation with their “good neighbor”, with the intent that compliance can hopefully be obtained without their non-compliant neighbor’s account being noted. The good neighbor call approach is a proven mediation method that is being used to help prevent situations from escalating.

If a “good neighbor call” doesn’t work, BFMA management is notified and letters are sent. Then, if the first two letters do not work, a hearing date is set and the hearing is held by Rules Committee Members. The respective “good neighbor” can choose to be on the hearing committee or not, depending if they want to be involved or removed from the hearing determination. After the hearing, the non-compliant owner is notified of the Rules Committee’s decision for fines, etc. Since 2008, there have only been a handful of violations that have actually escalated to a hearing.



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I hope this helps clarify the process for Rules enforcement in Brunswick Forest that is working here and that has worked well in many Large-Scale Associations outside Brunswick Forest and around the United States. Chuck Whitlock is one of your Brunswick Forest neighbors and is the Rules Committee chair. I encourage you to give him a call to talk about the Rules Committee, (910) 789-0935.

Regarding ARC enforcement of Exterior Decorative Items, if there is a major detraction, offensive item, abundance of items, etc. at a property in your neighborhood, owners or the Board can email arc@brunswickforestmaster.com with the property address, photos, description of the location and the reason(s) the item is felt to be a major detraction or offensive. The ARC will then ask the owner to submit for ARC Review and will Review the item(s) on a case by case basis.

Please let me know if you have any other questions that I can help to answer.