

## **Truro Parkland Policy Implementation Plan**

This plan implements three existing Truro documents that set community policy and guide the work of the Parkland Committee under the auspices of the Truro Homeowners Association (THA) Board:

- Parkland Encroachment Policy (approved by THA Board, January 2011; updated March 2019)
- Parkland Resource Management Policy (updated August 2020)
- Parkland Use Policy (updated August 2020)

The intent of this plan is to provide a transparent, fair, and consistent basis for dealing with matters of the parkland, and particularly, matters affecting properties adjacent to the parkland.

### **Authority**

The THA Board is responsible for establishing and enforcing policies that maintain, preserve, and restore as necessary the integrity of the parkland for the benefit of the entire community. The THA Board delegates responsibility and authority for managing the common parkland area to the THA Parkland Committee, consistent with the policies established by the Board, including maintaining practices for consistent application of those policies.

### **Definitions**

Adjacent Properties - any individual lot that directly adjoins one or more of the THA common areas, no matter how small the extent of the interface between the lot and the common area. As of March 2021, 136 individual THA lots and 8 non-THA properties meet this criterion.

[Truro] Common Areas - Any of the 11 parcels of land owned by the THA (See Attachment 1)

[Truro] Community Center (TCC) - The clubhouse, swimming pools, basketball and tennis courts, and associated parking lots. The area of the TCC is defined as the entire area within the smallest paved path between Elizabeth Lane and Ann Fitz Hugh Drive that encompasses those facilities.

Development - Clearing of natural parkland vegetation or placing of any man-made or natural items or structures on part of a parkland parcel.

Disposal - Depositing yard waste, litter, or other debris in the parkland.

Encroachment - Three general types of encroachment are development, disposal, and spread of invasive plant species. A complete definition of encroachment is contained in the Parkland Encroachment Policy.

Enforcement - Any action taken by the THA or other authorized bodies to achieve compliance with any THA parkland policy document.

Invasive plant species - Any non-native species of plant that can grow rapidly and that may crowd out or otherwise disrupt the native ecology of the area. Some landscaping or decorative plants used on individual lots have been classified by Fairfax County as invasive plant species. A list of invasive plant species of concern can be found here: <https://www.fairfaxcounty.gov/parks/sites/parks/files/assets/documents/naturalcultural/non-native-invasive-id-control-booklet.pdf>

Remediation - The removal of any form of encroachment.

Resource Protection Area (RPA) - Environmentally sensitive land in proximity to perennial streams or other bodies of water on which development is regulated by Fairfax County. Portions of the parkland, and portions of some individual homeowner lots, lie within the RPA associated with the Turkey Run stream in the parkland. The RPA footprint within Truro is defined by the Fairfax County Land Development Services. (Note: RPA boundaries are independent of Truro Parkland boundaries.)

[Truro] Parkland - All parts of the THA common areas, except those of the Truro Community Center

### **Implementation Plan Overview**

1. This implementation plan and the associated processes are intended to be transparent to all THA homeowners.
2. THA will endeavor to administer this policy consistently.
3. As set forth in the Parkland Encroachment Policy
  - a. Disposal of any material in the parkland is prohibited.
  - b. Spread of invasive plant species is strongly discouraged.
  - c. In general, no development (as defined above) should be initiated by an individual homeowner on THA parkland property except in very limited circumstances as may be approved in advance in writing by the Board of Directors. Variances will be considered by the Board only for rare exceptions that meet the criteria described below.

### **Application of Implementation Plan**

1. THA Responsibility
  - a. Community outreach: The Parkland Committee will
    - i. Strive to make the entire THA community aware of THA policies, this plan, and the associated processes through regular communications.
    - ii. Provide direct communications about THA policies and this plan annually to the residents of each of the adjoining properties and to any non-resident owners of those properties.
    - iii. Provide information and this implementation plan, and its associated processes to new owners of parkland adjacent properties at the time

of purchase as part of the welcome committee process. Copies of all parkland policies will be included in THA resale disclosure materials.

- b. Compliance determination: The Parkland Committee shall
  - i. Informally survey the entire boundary of the parkland annually to determine compliance with the policies and this plan.
  - ii. Investigate and evaluate any instance of possible non-compliance brought to the attention of the Committee.
  - iii. Formally notify the adjacent homeowner, and resident non-owner (if applicable), of any instance of non-compliance and request voluntary corrective action. (See Table 1 for a list of common specific examples of encroachment and remediation actions that will be requested.)
    - 1. The Committee will make every effort to allow a reasonable amount of time for the corrective action commensurate with the actual situation.
  - iv. Follow-up, as appropriate, to determine the effectiveness of the corrective action.
  - v. Take action, as necessary and as approved by the THA Board, to remediate the situation or call the THA owner to a hearing before the Board.
- c. Consideration of exceptions: The Parkland Committee and the THA Board will consider exceptions to the Parkland policies under a waiver procedure as further outlined below.

## 2. Homeowners' or Tenants' Responsibilities

- a. Know the location of their border with the parkland and comply with the provisions of the policies and this plan.
- b. Non-resident owners are responsible for ensuring their tenants are informed of the policies and this plan.
- c. Remediate any non-compliance, convene a Board hearing, , or request a waiver to the THA policies and this plan for Board approval.

## 3. Waivers – The Parkland Encroachment Policy prohibits private use of the parkland. The Parkland Encroachment Policy prohibits disposal, development, and propagation of certain invasive species. Although development in the parkland is prohibited, an exception is made for a “footpath of natural understory.” A homeowner, therefore, may apply for a waiver to allow a pre-existing situation to remain or to determine whether a new situation (a footpath or other potential encroachment) meets the criterion of the existing encroachment policy as follows:

- a. The waiver request should be submitted via the TruroHomes.org website found under the “Documents” menu item, a copy will be provided to the THA Board of Directors.
- b. The request should state why the waiver is appropriate for the specific situation and provide justification to support the request.
- c. The Parkland Committee, through the standing subcommittee or via a quorum of committee members, will evaluate the waiver request and render

a recommendation in writing to the Board, within 30 days of receipt of the request.

- i. A proposed waiver will be evaluated against:
  1. Truro parkland policies
  2. Potential changes to the ecology of the parkland and the management approach of maintaining a natural ambiance to the parkland as described in the Parkland Resources Management Policy.
  3. Potential hazards associated with the waiver.
  4. If the request is to continue a pre-existing condition, the length of time that the condition has existed and any legal factors in reviewing the waiver application
  5. Any benefit to the entire THA community.
  6. Consistent application of these criteria by the Committee as it reviews waiver requests and makes recommendations to the THA Board
- ii. The Board will grant waivers only on an exceptional basis. Should it be determined that a proposed waiver is not acceptable, the Board will provide a deadline for remediation. If a waiver is granted for an existing or proposed situation, the duration of a waiver may be limited to the current homeowner on a case by case basis.

## Attachment 1: THA Parcels

The 11 THA parcels, described below, encompass the parkland and the TCC area.

The parcels are:

- 0584-21-0001C - virtually all of this is TCC
- 0584-21-B - most of this is parkland, although there is a significant amount of TCC (mostly tennis courts & bordering areas) extending into this parcel
- 0701-12-A - farther downstream of Wakefield Dr than 0701-12-E1 - behind most Appleton Ct & Ordinary Way (& non-THA) homes
- 0701-12-D - some of the parkland upstream of Wakefield Dr. going away from the stream the other direction from 0701-12-H
- 0701-12-E1 - downstream of & closest to Wakefield Dr - behind Hepplewhite Ct (& non-THA) homes
- 0701-12-F - a small parcel between 4211 and 4213 Elizabeth La across Elizabeth La from most of the parkland.
- 0701-12-G - much of the Elizabeth La side of the parkland upstream of Wakefield Dr
- 0701-12-H - the branch of the parkland going from the stream up to the steps at the Wakefield Dr mailbox
- 0701-12-J - a small parcel going from 0701-12-A out to Pappas Dr between 8704 & 8708 Pappas Way
- 0701-12-K - the last parcel going downstream of Wakefield, bordering a few THA homes & Wakefield Chapel Woods HOA parkland
- 0701-12-M - much of the Ann Fitz Hugh Dr/Burbank Rd side of the parkland upstream of Wakefield Dr

These can be found by entering the parcel number into the "Map Number" space of <https://icare.fairfaxcounty.gov/ffxcare/search/commonsearch.aspx?mode=parid> and hitting "Search". That will give a description of the parcel. An option in the left column will show a map of the parcel.

**Table 1: Encroachment\* remediation timetable and possible follow-up actions**

Category	Specific Issue	Voluntary Action Requested	Follow-up Actions	Fall back Action If Encroachment Continues	Comment(s)
Development	Fences	Remove w/in 30 d	Check in 30 d to confirm removal	Refer situation to Board for action, e.g., Formal letter from Board; possible hearing before Board, removal by THA if can be completed within 15 minutes and returned to lot	
	Structures	Remove w/in 30 d	Check in 30 d to confirm removal	Refer situation to Board for action, e.g., Formal letter from Board; possible hearing before Board, removal by THA if can be completed within 15 minutes and returned to lot	
	Personal equipment	Remove w/in 30 d	Check in 30 d to confirm removal	Refer situation to Board for action, e.g., Formal letter from Board; possible hearing before Board, removal by THA if can be completed within 15 minutes and returned to lot	
	Paths	Remove w/in 30 d	Check in 30 d to confirm removal	Refer situation to Board for action, e.g., Formal letter from Board; waiver application process, possible Board hearing or removal by THA if can be completed within 15 minutes.	
	Woodpiles	Remove w/in 30 d	Check in 30 d to confirm removal	Refer situation to Board for action, e.g., committee may scatter into parkland	
	Clearing or mowing	Cease clearing or mowing in parkland to allow native plants & processes to return.	Check periodically over 60-90 d period to confirm cessation of mowing.	Refer situation to Board for action, e.g., Send written notice of issues, flag to restore boundary when house is sold. Clarify property boundaries for new owner.	

	Removal or trimming of parkland trees	No further tree removal or trimming w/o explicit approval.		Refer to Board for action.	
	Planting	Remove, w/in 30 d, any plants on the invasive species list that were planted in parkland. No further planting of any kind in parkland w/o explicit approval. Excludes English Ivy at this time.	Check in 30 d to confirm removal.	Refer situation to Board for action, e.g., Formal letter from board, possible hearing, committee removes and disposes of problematic plants on parkland property only.	
Dumping	Leaves	Cease blowing/dumping leaves into parkland. Scatter piles of leaves from base of trees.	Check occasionally during fall leaf season	Refer situation to Board for action, e.g., Follow up letter from Board.	
	Lawn clippings	Cease dumping of leaves or yard waste in parkland. Clear any piles from base of trees.	Check occasionally during summer mowing season	Refer situation to Board for action, e.g., Follow up letter from Board.	
	Yard waste		Follow up in ~3 mo	Refer situation to Board for action, e.g., Follow up letter from Board.	
	Tree limbs	Cease practice. Cut and ensure that limbs can lay flat on ground to decay.	Follow up in 30 d	Refer situation to Board for action, e.g., Follow up letter from Board	
	Brush	Cease practice. Cut and scatter existing brush to lay flat on ground	Follow up in 30 d	Refer situation to Board for action, e.g., Follow up letter from Board	
	Trash or Litter	Remove w/in 15 d	Follow up in 15-20 d	Refer situation to Board for action, e.g., Follow up letter from Board	
	Construction debris	Remove w/in 15 d	Follow up in 15-20 d	Refer situation to Board for action, e.g., Follow up letter from Board	

\*Not a comprehensive list of possible specific types of encroachment

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