

Westchester Commons Fence Design Standard

1. Background

Pulte Homes, during the original development of Westchester Commons, constructed fences surrounding the private patio areas of townhomes in the community. While the intention is that the individual owners of each townhome will enjoy these fences, they are technically part of the “common area” of the community. As such, the Homeowners’ Association owns them, and the HOA is responsible for all maintenance and repair of the fences. Individual owners are not free to alter the design of the fence surrounding their private patio unless the alteration has been requested in writing and approved by the Board of Directors.

While most of the fences surround an area that extends the full width of the townhome, there are some that enclose only the concrete patio area. For these smaller fenced areas, community covenants provide for extension of the fences to enclose the full width of the townhome. Such extensions must be requested and approved by the Board of Directors, and they must match the existing design (described below). The extensions, if approved, will be paid for by the homeowner requesting them; however the resulting fence will be part of the common area and owned by the Homeowners’ Association.

From time to time, an individual homeowner may have a good reason to request an alteration to an existing fence that does not conform exactly to the standard design described below. In such cases, the homeowner may request a departure in design. Approval or disapproval of the alteration for that townhome will be the prerogative of the Board of Directors. For any alteration, the following conditions will apply:

1. Acknowledgement is made that the altered fence is still the property of the Homeowners’ Association.
2. The alteration (unless the Board approves the alteration as permanent) it will be considered temporary, and the fence must be restored to its original condition prior to listing the townhome for sale.
3. The homeowner whose alteration request is approved will be responsible for preserving the original materials in such a manner that the fence can be restored to its original condition.
4. Any costs incurred as a result of restoring the fence to its original condition will be borne by the homeowner who requested the alteration. (See painting specifications below)

2. Standard Design

The pictures and descriptions below describe the standard design for fences.

3. General

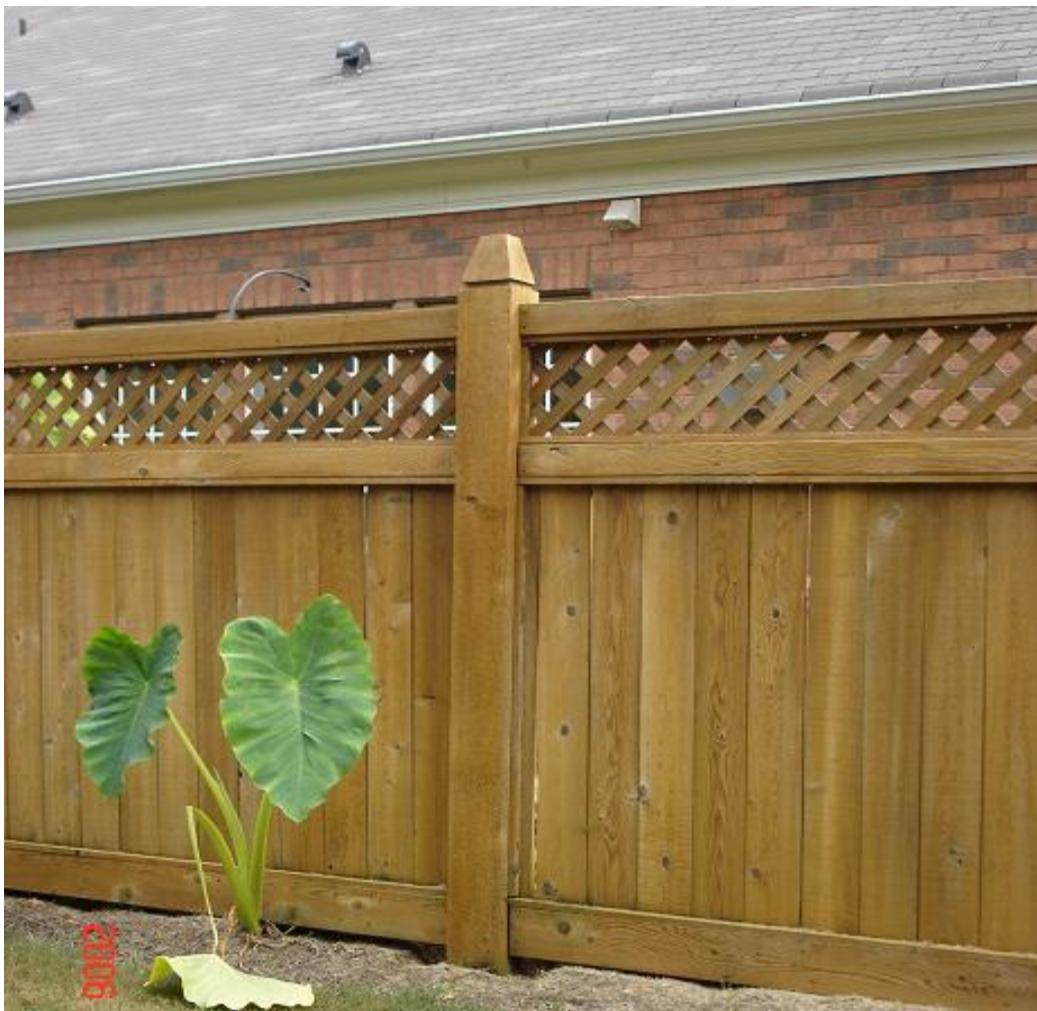
The picture below shows the general design of the fences. All posts, structural supports, fence panel boards, and lattice are made from cedar. The general design is for a series of sections, separated by posts with a detail at the top of each post. Each fence section consists of a structural cross-member at the bottom, with vertical fence boards above, and a lattice panel enclosed by more structural cross-members.



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4. Posts

Fence posts are constructed from solid cedar measuring 6" x 6". The finished height is 84 inches (from ground level to the top of the post). Posts are to be set at least 18 inches below ground level (no concrete). The design detail at the top of the post must match existing posts. A sample post is shown in the picture below. [Update (6/4/2008): Our maintenance experience has shown that the cedar posts are susceptible to rotting, especially when they are not set in concrete. Consequently, we now specify that pressure-treated 6" x 6" pine posts be used instead of cedar. The pressure-treated posts are to be set at least 12 inches below ground level in concrete. When stained, these posts have a very similar appearance to the less-durable cedar posts.]



5. Panels

1. The picture below shows a typical fence section. Fence sections are constructed as follows: A structural cross-member is built from two pieces of cedar measuring 2" by 6". The two pieces are laminated together to make a single member, cut to the appropriate length for the panel. Cross-members are to be attached to the posts using metal double joist hangers with three-inch deck screws.

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(Note: Original construction used simple “toe-nailing” techniques; however this method has not proven to be strong enough to support the weight of the panel. Resultant sagging of the cross-members allowed fence boards to fall out.). The cross-members are to clear ground level. Where possible, they should be installed level; however where the ground is not level, they may be installed to follow the rise/fall of the ground. **[Update (6/4/2008):** Maintenance experience has shown that structural cross-members constructed of cedar are less durable than those made of pressure-treated pine 2” x 6” boards. Therefore, we now require the use of pressure-treated pine, rather than cedar.]

2. Two more structural cross-members are constructed similarly from laminated double thicknesses of cedar measuring 2” by 4” each. **[Update (6/4/2008):** Structural cross-members are now to be constructed of pressure-treated pine 2” x 6” boards.] These members are connected to the posts using three-inch deck screws in a “toe-nail” fashion. (Note: Original construction used simple “toe-nailing” techniques; however this method has allowed for the nails to loosen as time goes by. This allows the cross-members to come apart.). Vertical placement for the top cross-member: top of the cross-member should be 2.25 inches from the full-thickness area of the post (just below the post top detail). Vertical placement for the lower cross-member: top of the cross-member should be 17.5 inches from the full-thickness area of the post (just below the post top detail). Both of the upper cross-members are to be installed level.
3. The bottom structural cross-members are topped by a series of fence boards made from cedar measuring 1” by 6”. These boards are cut to length to fit between the bottom cross-member and the lower of the two upper cross-members. The boards are held in place by a series of retainer moldings at the top, bottom, and sides of this portion of the panel. The retainer moldings are constructed of cedar measuring 1” by 2”, and there is a set on the outside of the fence, as well as a set inside the fence. The retainer moldings are connected to the structural cross-members and the posts with galvanized finishing nails (countersunk). Thus, the fence boards “float” within the retainer moldings to allow for expansion and contraction due to weather.
4. The area between the two upper cross-members is filled with cedar or pressure-treated pine lattice, cut to fit, and held in place by a set of retainer moldings as described in item 3 above.

5. Paint Specifications

1. The Association is responsible for maintaining all fences, including fences on elevated decks on several homes. This includes replacement, repair, maintenance, and repainting. Homeowners have limited use authority over the fences in the limited common area. As such the homeowner should periodically inspect the condition of the fences and report any maintenance or repair issues to the Board of Directors.
2. Homeowners who plant vines or other vegetation on or near the fences are responsible for making the fence accessible for maintenance and repairs, including periodic re-staining. If the association incurs an additional expense due to these encumbrances, the homeowner will be responsible for those charges. Trees should not be planted so near the fence that would eventually cause an unacceptable impact with the fence. Such trees will be removed at homeowner’s expense.
3. Homeowners who alter their fences, pursuant to a Board approved alteration application, will be responsible for all costs of such alteration, including rendering the fences to conform to the materials, paint and hardware standards contained herein.

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6. Gates

1. The picture above shows a typical gate. Gates are constructed just as the fence sections, except that double laminated cedar measuring 2" by 4" is used in place of posts. The inside of the gate uses a diagonal turn-buckle device to ensure that the gate maintains its square without sagging. The gate is attached to the post using large decorative black metal brackets, and a similar gate closure device holds the gate closed. A black metal handle is installed. The height of the gate is to correspond to the height of the fence panels.

7. Approved Alterations (as of December 2010)

1. The following alteration has been approved by the Board of Directors as a ~~temporary~~ design alternative for unit 155. This is ~~not~~ a "standard" alteration that can be adopted by other homeowners—each request must be approved by the Board of Directors.
2. This alteration consists of replacing the solid fence panel boards with $\frac{3}{4}$ " pine pressure treated lattice, stained to conform to the color of the legacy fence materials. The lattice above the bottom structural cross-member is attached in the same way that the fence boards were attached (with the retainer moldings). ~~In order to give the large sheet of lattice more rigidity, a diagonal piece of cedar measuring 1" by 2" is attached to the bottom and middle structural cross members using two-inch deck screws.~~

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The alteration is temporary, and it is approved with the condition that the homeowner agree to 1) preserve all materials that were removed, and 2) return the fence to its original condition (at the homeowner's cost) before the unit is listed for sale. The following picture shows the approved alteration: **(Note: $\frac{3}{4}$ " lattice panels are required)**

(The above deleted portions were approved by the Board of Directors in December 2010.)



This picture shows the detail of the diagonal brace to give the lattice panel better rigidity: (Not required with the $\frac{3}{4}$ " lattice.)

