



## Final Rules Committee Report December 2022

In 2021 the BVA Board authorized a volunteer Committee to update and clarify the Rules & Standards of BVA. If adopted, Owners and COAs should refer to these documents and the Board would thenceforth have written criteria guide its decisions. The Committee also proposes adopting a “Rules Enforcement Procedure” to address complaints made to the board about rules violations in Section V.

The Committee included owners representing Condominium Association presidents, members who derive income from rentals, private homeowners, and three members of the BVA Board of Trustees. Prior to final drafting, the rules were reviewed by BVA’s attorney.

### INDEX:

- I. Summary / Historical perspective / The Role of BVA
- II. Proposed Village Rules (updated)
- III. Proposed Rental Standards and Rules (new)
- IV. Architectural Committee Rules and Standards (updated & expanded)
  - 1. Live Tree cutting standards
  - 2. Property, parking area & drainage maintenance standards
  - 3. Standards for exterior building changes, upgrades and construction
  - 4. Exterior Lighting standards
- V. Dispute Resolution guidelines (new)

The Declaration expressly gives the BVA authority to adopt standards of property maintenance, appearance, and determine the cutting of certain trees. However, the Bylaws require the BVA to have “*written criteria and shall apply those criteria uniformly, with respect to the standards to be applied...*” Bylaws XII(b)(2)

### Conclusion

These Rules and standards, which may be updated or edited from time to time by Majority vote of the Board of Trustees, clarify lot owner rights and obligations and will guide the BVA when addressing complaints about nuisance behavior, property maintenance, new construction, and rental activities.

*Respectfully,*

#### **The Rules Committee**

*Richard Gregor*

*Jack Ready*

*Lew Fishman*

*Matthew Tomkiel*

*Sandra Pangburn*

*Dana Gottsegen*

*John Moriarty*

*Paul Carr*

*Ray Ziegler*

*Bill Cariste*



## I. Historical perspective / The Role of BVA

Bromley Village is a Common Interest Community, comprised of individual units of ownership, plus common elements, and governed by a Declaration. There are three types of common interest communities, with the primary difference being the way the members own their individual units:

1. Cooperative
2. Condominium
3. Planned Community

The BVA is a planned community. The “individual units of ownership” in a planned community are privately owned lots, all of them subject to restrictive covenants contained in the Declaration.

Bromley Village has 51 “Lot Owners” consisting of 18 condominium associations (COAs, each owning 1 lot) and 33 individual lots owned by single family homeowners.

Each Lot Owner owns all the land and structures within the respective lot lines [as set by the Bromley Village Master Plan](#). Everything outside the lot lines is considered BVA common areas. The Town of Peru Tax Map 11 shows the [unofficial](#) lot lines.

The BVA’s authority to regulate use and behavior [with respect to each private lot is limited to rules that:](#)

1. Implement a provision of the Declaration;
2. Regulate any behavior in or occupancy of a Unit which violates the Declaration or adversely affects the use and enjoyment of other Units or the Common Areas and Facilities by other Unit Owners; or
3. Restrict the leasing of Units to the extent those rules are reasonably designed to meet underwriting requirements of institutional lenders that regularly make loans secured by first mortgages on Units or regularly purchase those mortgages.

Accordingly, the Condominium Owners Association (COA) for each lot that is owned by a condominium regime is encouraged to make their own rules governing use and behavior subject to the restrictions contained in BVA Declaration, Bylaws and Rules.



## II. Bromley Village Rules

### Rules for Units Covered by the BVA Master Insurance Policy:

1. **Water leaking/infiltration, frozen pipes.** Keep thermostats at a minimum of 55 degrees to prevent freeze-ups. While unoccupied, all units must have a house check service, a digital thermostat w low temperature alert or a Low Temperature Alert device in a window visible from the street and/or turn off the water to the unit.
2. **Fireplaces.** Do not start a fire on your day of departure. Remove ashes in a metal container. Even warm ashes are dangerous. Every unit is required by Vermont fire and building code to have a metal receptacle for ashes within the area of the fireplace. Never place ashes in the trash shed.
3. **Fire Extinguishers.** Fire Extinguishers are to be kept in conspicuous places in each unit. Notify the Bromley Village Office at (802) 824-5458 if a Fire Extinguisher is not present.

### Rules for all Units:

4. **Dogs.** Dog are not permitted to roam and owners must keep pets leashed or under their direct control. Near the sledding hill or playground pets must always be leashed for the safety of children that use those areas. *Dogs are never allowed in the club house, pool area or the tennis courts.* Owners must clean up all waste. All visitors are expected to be responsible dog owners and abide by these rules voluntarily. Bromley Village is covered by the Town of Peru's ANIMAL CONTROL ORDINANCE and complaints about roaming dogs can be directed to the Animal Control Agent at (802) 824-3065. Complaints can be directed to the Bromley Village Office at (802) 824-5458. Violation of these rules may incur a penalty of \$50 for each infraction. Fines are recharged to the renter (if rented through Bromley Lodging,) otherwise the fine will be assessed to the homeowner on their monthly bill.
5. **Recreational Areas.** The swimming pool, tennis courts, and the Clubhouse are for use only during the hours specified and only by homeowners, their guests and renters. All users must abide by the rules posted. Report any inappropriate usage of the facilities to the Bromley Village Office at (802) 824-5458.
6. **Parking.** Do not block common area doorways or driveways. Overflow parking is available at the Clubhouse.
7. **Snowmobiles and Motorcycles and Off-Road Vehicles:** shall not be allowed in the Bromley Village Community except with the written permission of the Association.
8. **Hunting and Discharge of Firearms.** No hunting by any means or discharge of firearms of any type shall be allowed in Bromley Village, except as permitted by the Association to control overpopulation of animals.
9. **Additional Rules / Guidelines for Renters**

Homeowners may rent a private home / condominium for residential purposes only. Rental guests are allowed to use resort facilities, and must abide by all above applicable BVA rules and behave with proper etiquette while in the Village. Resort facilities are only available to members, their guests, and renters. Guests of renters are not permitted to use the resort facilities or park in Bromley Village for skiing. These added guidelines include:

- A. Following all COA rules including the number of assigned parking spaces.
- B. Observance of quiet time between 11:00 pm and 7:00 am.
- C. Operating vehicles within Village speed limits.
- D. Adherence to posted rules for the shuttle, pool, tennis courts and gym.
- E. Use of resort facilities only within posted hours of operation.
- F. No smoking/vaping in resort facilities.
- G. Maintaining various insurance and fire safety practices (including disposal of ashes, unattended fires, damper instructions, etc.)
- H. Maintaining cleanliness and use of trash bins.
- I. Follow rules for using firewood on premises



### **III. Rental Standards & Rules**

1. Members who rent out their units must cooperate with the BVA in enforcing BVA rules and collecting fines for violations of BVA rules by:
  - A. Allowing the BVA and its contractors to communicate directly with the renter if necessary
  - B. Providing for the payment of fines where/when applicable
2. Members who use peer-to-peer rental booking agencies such as Airbnb and VRBO must be available to respond to all requests for services by the renter, without delegating that responsibility to the BVA or its contractors, including Bromley Property Services. Renters through Airbnb and VRBO should direct all requests for services to the member and not to Bromley Property Services. Members may utilize a property manager or rental agency to respond to service requests from renters.
3. Members who rent must provide emergency contact information to BPS. Members may designate a property manager or rental agency as an emergency contact.
4. Rental occupancy should not exceed the capacity of available beds (including pullout sofas, but not including inflatable beds) and also limited by available dining and living area seating.
5. Renters are prohibited from bringing more vehicles than the number of parking spaces assigned to the unit by the respective COA. Overflow/overnight parking for renters is not allowed in the Clubhouse parking area.
6. Members must include the rules of Bromley Village and etiquette guidelines in their rental agreement, and provide copies in the unit. COA rules, if any, must also be included.



## IV. Architectural Committee Standards

### 1. Live Tree Cutting Standard

**Per the Declaration:** Except as may be necessary for clearing an area for buildings, structures and driveways, no stone walls, or live trees greater than four inches in diameter at a height of three feet from the natural ground level, shall be cut, destroyed or removed and no change shall be made in the natural character of Bromley Village, without the prior written approval of the Architectural Panel. Trees specially banded by the Association may not be removed without the prior written consent of the Architectural Panel.

In any visually sensitive area or any natural open clearings with sparse vegetation or clearings created for recreational or amenity activities, that would be visually sensitive, all buildings shall be located in or near the wooded cover adjacent to the natural open clearing or clearing located for recreational or amenity activities.

**BVA Standard:** *Tree cutting to regain and maintain the scenic views of Bromley Village is reasonable, but with consideration to be given to the effect of tree cutting on the wooded cover.*

## Bromley Village Association Live Tree Cutting Application

Homeowner(s) \_\_\_\_\_  
UnitAddress \_\_\_\_\_ Phone \_\_\_\_\_  
Email Address \_\_\_\_\_

### Description of Project:

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### Application Requirements:

A detailed plan of work documenting which tree(s) that would be cut. Tree cutting is specific to live trees that are four inches in diameter at three feet from the natural ground level.

### Process:

The application will be reviewed by the Architectural Panel for the purpose of determining the aesthetic compatibility of the submitted plans with the BVA Declaration limits as listed above. Also, the Architectural Panel will review and determine if proper diligence has been applied to get consents where needed. It is the responsibility of the homeowner to obtain consent from the proper organization (COA) for tree cutting.

Are the trees proposed to be cut on the homeowner's property? Yes No

Are the trees to be cut on the homeowner's COA property? Yes No



*Tree cutting / page 2*

If Yes - please name the COA and attach that COA's written consent to cut the tree(s)

Are the trees to be cut on another COA's or homeowner's property?      Yes      No  
If Yes - please name the COA and attach that COA's written consent to cut the tree(s)

Are the trees to be cut on Bromley Village Association's property?      Yes      No

Please forward the completed Application, pictures of the trees requested to be cut and necessary attachments to the Architectural Panel Chair: Skip Omasta (omasta@sbcglobal.net)

Homeowner(s) Signature: \_\_\_\_\_

Date of Application: \_\_\_\_\_



*Architectural Committee Standards – cont'd*

**2. Parking Areas, Landscape & Drainage Maintenance**

1. **Garbage and Recycling.** A secure location for garbage/recycling must be provided. All outdoor storage must be in bear proof sheds or containers.
  - a. Such secure location must provide adequate space so that no garbage, food waste or recycling bags can will be left outside any building, trash shed, dumpster or home
  - b. Fireplace logs should be kept neatly stacked
2. Landscaping must be maintained in a “resort grade” standard

**RETAINING WALLS, ROADS, DITCHES & CULVERTS – NOTE: cost to maintain is an expense of Lot owner unless located on BVA property**

3. Retaining walls must be structurally sound and properly aligned.
4. All gravel areas and roadways should be pitched / crowned to drain and prevent standing water.
5. The buildup of topsoil and weeds on gravel areas should be corrected and periodically refreshed with addition of fresh stone base called “surepack.”
6. Stormwater runoff resulting in excessive erosion should be corrected.
7. All stormwater piping / inlets and culverts must be kept free of weeds, leaves and other clutter. Suggest this function be added to your landscape contract. Drainage ditches must also be clear of leaves and other obstruction and should be graded to retain grass cover so as to be “mowable” to the extent reasonably practical.
8. Failing culvert piping, including inlets and outfalls (or headwalls if present) must be replaced when needed. NOTE: BVA maintains these structures on BVA roads
9. Standing dead trees and limbs are to be removed.
10. Brush & limbs that interfere with driver visibility, or storm drainage should be corrected.

**SIGNAGE**

11. All pole mounted signs and lights must be maintained and periodically painted or repaired as needed. Periodic alignment is also required so that they remain vertically straight and properly affixed to their mountings.



*Architectural Committee Standards – cont'd*

### **3. Guidelines for Exterior Changes and Construction**

Bromley Village owners are encouraged to invest in their properties and BVA must approve any changes affecting the exterior of any buildings. Any owner must receive approval prior to any work being performed. BVA desires to maintain the resort character of Bromley Village, but will cooperate in approving upgrades to mechanical systems, changes in windows and doors. This includes, subject to regulations of Peru and your COA if applicable, expansions of existing units, dormers, skylights, decks, etc.

All proposed work should be submitted attached to a written application with a description of the work to be done, a sketch or photos of the proposed work, a list of materials to be used and (for condo owners) a letter from your association approving the work to be done. In planning your project, your proposed work should be guided by the following:

1. Replacement materials should be of similar or higher quality to existing.
2. Any exterior Mechanical systems such as heat pumps should be screened by an architectural enclosure
3. Propane tanks must be buried
4. Please avoid using the following:
  - a) "Loud" or "garish" paint colors for exterior surfaces
  - b) Vinyl siding or any product which does not appear to be natural or painted wood
  - c) Avoid using "faux" stone, or stucco – the latter may be used on foundation skirting
  - d) For retaining walls and landscaping, natural stone is recommended over concrete products and landscape timbers

The committee may request additional materials and a site visit. Depending on schedules and time of year most requests are resolved in less than 1 month.





## Architectural Committee Standards – cont’d

### 4. Standards for Exterior Lighting

The rural character of Bromley Village is enhanced by the ability to view and enjoy the night sky. Exterior lighting fixtures shall be recessed, shielded, or cutoff such that the direct light source is not visible from outside the lot lines. For applications for exterior lighting, the Architectural Panel shall consider the following standards to be reasonable:

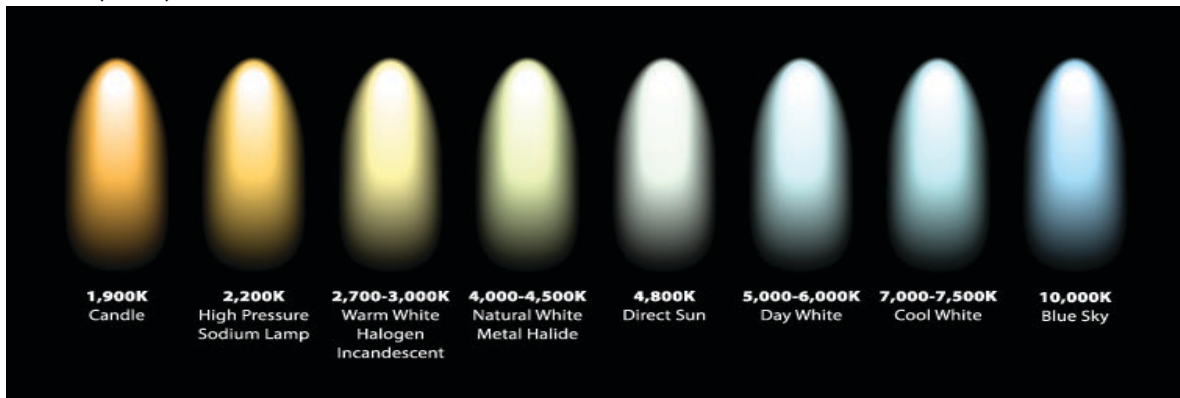
- A chart of acceptable/not acceptable examples of fixtures is attached. Light fixtures shall not direct light upward or horizontally.
- The light produced by an exterior fixture must be at a color/temperature between 2,700K and 3,500K, and brightness less than 1,100 lumens (equivalent to a 75-watt incandescent bulb). See chart below
- Sodium, Mercury, and Halide lamps are not allowed
- Colored and or flashing bulbs are not allowed.

NOTE: The foregoing is consistent with the Town of Peru zoning bylaws §4.3.4.

#### Exceptions:

Temporary external lighting for social functions and temporary lighting intended to celebrate a holiday. Lighting fixtures previously approved by the Architectural Panel and lighting fixtures installed as part of the original construction.

#### Spectrum (color) Standards



#### Brightness Standard

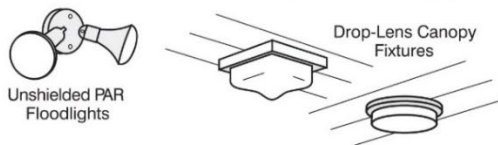
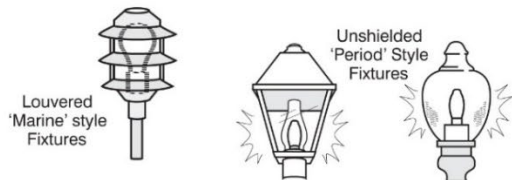
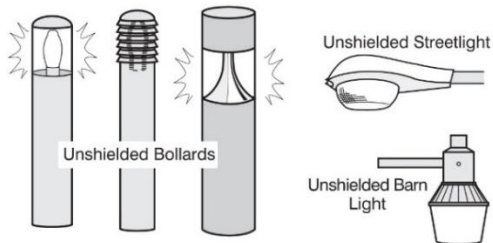
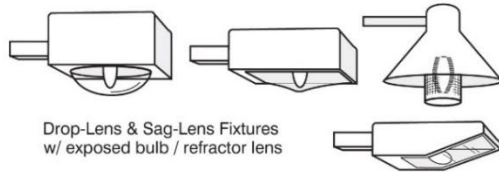
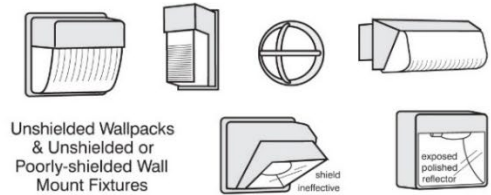
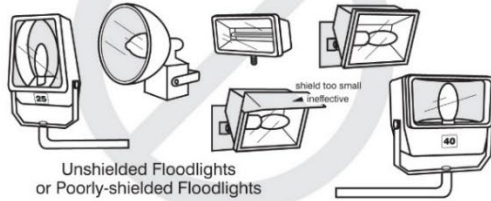
BULB TYPE	STANDARD	HALOGEN	CFL	LED
450 LUMENS	40W	29W	9W	6W
800 LUMENS	60W	42W	14W	9W
1100 LUMENS	75W	53W	18W	11W
1600 LUMENS	100W	72W	23W	14W

Architectural Committee Standards – cont'd

**Examples of Acceptable and Unacceptable Exterior Light Fixtures**

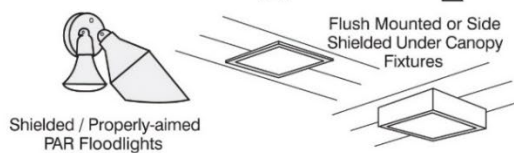
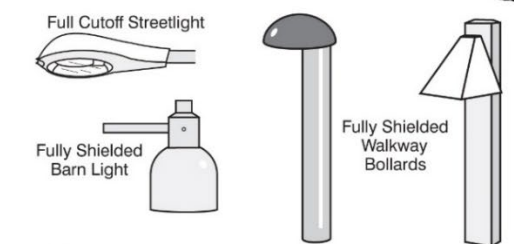
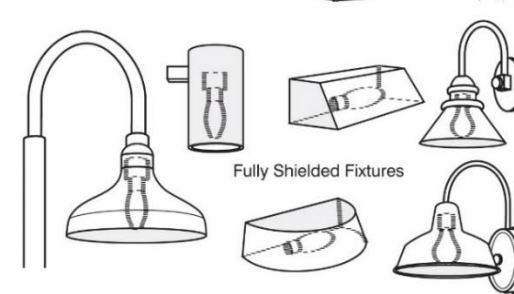
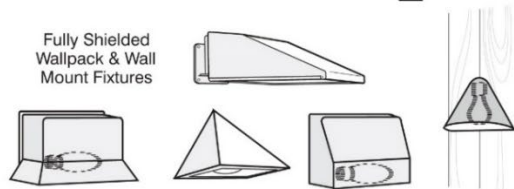
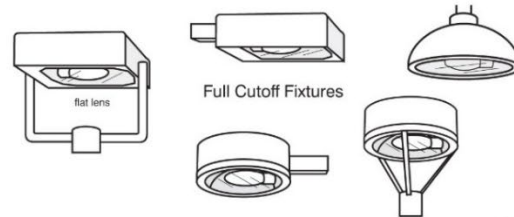
**Unacceptable / Discouraged**

Fixtures that produce glare and light trespass



**Acceptable**

Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night





## V. Rule Enforcement Procedure

Rules and Standards (hereinafter Rules) are periodically updated / changed via majority vote of the Board of Trustees and shall apply to all Unit Owners at the Community, their residents, family members, tenants, occupants, agents, visitors, employees and guests. Properly adopted Rules shall be enforced by the BVA Board of Directors (the Association) in accordance with the Declaration and Bylaws and the Vermont Condominium Laws. Owners in condominium properties are additionally bound by rules of their own Condominium Owners Association (COA). The BVA expects each COA to enforce its own rules and adopt its own rules enforcement procedure.

1. Rules do not replace the Bylaws or Declaration of the BVA or the COA. These documents are in force and in case of conflict between the wording of these documents, the Declaration and Bylaws prevail.
2. Procedure for handling complaints: a complaint may be made to the Board Designee, in writing. If the Unit Owner does not receive satisfaction from the Designee, the Unit Owner should put his complaint in writing and forward it to the BVA Board of Directors for discussion at the next scheduled meeting. If the Board of Directors feels that the complaint is justified, it will take whatever action it deems necessary. The complainant will be notified in writing by the Board of Directors of the action taken.
3. Unit Owners, their tenants, guests and invitees must comply with the BVA Declaration Bylaws and Rules as all applicable COA Declarations, Bylaws and Rules. Any damage to BVA buildings, grounds, or other common elements or to equipment by any Unit Owner, tenant, guest, family member or pet shall be repaired by the Association and charged to the Unit Owner. Any such damage done with the implied or express consent of a COA, shall be repaired by the Association and charged to the COA.
4. All Unit Owners who lease out their unit shall: (1) provide the tenant with a copy of the Rules and any relevant COA rules, (2) include in the lease agreement a provision that the tenant has been given said copies, has read and understood, and agrees to abide by these documents.
5. ENFORCEMENT OF RULES. If a Unit Owner, COA, family member, tenant, or guest of a Unit Owner violates a Rule(s) or other restriction or provision, the following actions will be taken:
  - a. If a complaint is filed with the Association, a letter will be sent to the offending Unit Owner or COA, where applicable, by electronic mail advising of the violation and requesting compliance. If the Unit Owner or COA does not respond to the Association's Board Designee within ten (10) days of his or her receipt of the letter, it will be assumed that the notice of violation is uncontested and that the Unit Owner or COA will immediately comply.
  - b. If the violation continues (or occurs again) after the thirty (30) days from the initial notice, a second notice will be sent to the offending Unit Owner or COA by mail (or email if authorized) advising that if the violation continues (or occurs again) after a date certain, a fine of up to \$50 will be imposed for each violation thereafter. For purposes of this section, each day a violation continues after notice to the offender shall be considered a separate and distinct violation.
  - c. The fines as stated above will be imposed against the offending Unit Owner or COA for each violation that occurs after the date certain stated in the notice. The accumulated fines constitute a lien against the offending Owner's property. The Association may commence an action against the Unit Owner and/or COA to recover those fines and/or to enforce compliance with the Rules, Declaration and Bylaws, seek foreclose on the lien, or both as allowed by 27A V.S.A. §3-116.
  - d. The Association may suspend the offending Unit Owner's membership rights and privileges until the violation is abated except as limited by 27A V.S.A. §3-102. In the event that the Association revokes the offending Unit Owner's privilege of parking on Association common property, a notice will be sent to that Unit Owner advising that if his/her vehicle (including the vehicles of that Unit Owner's family, tenants and guests), is observed parked on Association common elements, it will be towed at Unit Owner expense without further notice