



Hillcrest Cluster Association (HCA) Handbook

Revised 2018

Hillcrest Cluster Association (HCA) Handbook—2018



August 2018

Dear Hillcrest Cluster Association Members,

Our Cluster is one of the oldest and largest in Reston, with 173 houses on 28 acres and unusually large landscaped and wooded common area. The commonly owned area includes a playground, over 25,000 square feet of sidewalks and walkways and almost 5,000 square yards of roadways and parking areas.

Each person who purchases a house here is a member of the Hillcrest Cluster Association (HCA). We encourage all owners to use the handbook to understand the regulations governing their property. If you rent your house, you should provide a copy of the handbook to your tenants, and you should provide your renters' contact information of renters to the Board.

We are a mostly self-managed homeowners association, so it is especially important for all residents to understand our operating procedures and what is expected of residents who live or own a Saffold Way home.

Our board of directors is composed of seven residents who volunteer many hours each week to resolve problems, improve the property, and make this a good place to live. Without their hard work, it would be necessary to pay much more for professional management. We do our best to resolve most difficulties efficiently, but we are bound by legal, financial, and other constraints. If you have a concern and can't find the answer in this book, please contact a board member for assistance.

Reston is a rapidly growing community, and we must work together to find solutions to the many issues such growth brings. It is important that we approach these challenges with a positive attitude, and respect for the opinion and needs of our neighbors.

Please take the opportunity to get to know your neighbors by participating in planned activities: Cluster cleanups in the spring and fall, an annual picnic, and an annual meeting in December. Other events may also be scheduled during the year, and residents will be notified of them in the Cluster newsletter, by email, on the Cluster website (www.hillcrest-cluster.com) or via a flyer. The more involved we all are in the affairs of our community, the better it will be for everyone.

On behalf of the Hillcrest Cluster Association Board of Directors.
Sincerely, Laura Sharon, President

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Introduction to Hierarchy of Governance & Definition of Common Terms

Governance

As a resident of Hillcrest Cluster Association, the legal hierarchy of governing documents is as follows:

1. VA Property Owners Association Act (insert link)

The HCA must comply with the 2008 Virginia Property Owners Act (POA), as amended, and any/all subsequent case law enacted that pertains to community associations in Virginia.

2. Reston Deed of Dedication and Protective Covenants (<https://www.reston.org/Portals/3/InsideRA/RestonAssociationGovernance/GoverningDocuments/Deed.pdf>)
3. HCA Articles of Incorporation (see Appendix A)
4. HCA By-Laws (see Appendix B)
5. Cluster Standards and Rules & Regulations (in this Handbook)

Compliance with all governing documents is an important responsibility, and the Hillcrest Board of Directors does its best to understand how all of the above impact the ability to run the Cluster Association. On occasion interpretation of the various governing documents is not clear, and we consult our Cluster attorney, who specializes in Community Association law, to get clarification and guidance. This is a normal part of the Board's management process, about which we want residents to be aware.

Definition of Common Terms

Reston Deed of Dedication

All property in Reston is subject to the Reston Deed of Dedication, which references its maintenance section as 'Protective Covenants.' These Covenants are designed to:

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- Encourage environmental excellence;
- Preserve the design integrity and architectural quality of Reston's land and dwellings;
- Maintain the high aesthetic standards that make Reston a desirable place to live;
- Prevent the deterioration of neighborhoods by providing consistent guidelines for construction, maintenance, and property use; and
- Uphold property values.

All property owners are subject to the Reston Deed of Dedication and its Protective Covenants, and by purchasing a property in Reston, have agreed to comply with these Covenants. The objectives listed above are also upheld by the Hillcrest Cluster Association, which also has its own standards that apply in addition to Reston Association covenants, guidelines, and rules and regulations.

Protective Covenants

Covenants are agreements contained within the Reston Deed, are officially and legally recorded with the land records, and tend to be the broadest statements of restrictions. They are intended to be a tool that enables all Restonians to enjoy living in a pleasing environment and an attractive community, while experiencing sustained increases in property values. Covenants also help prevent aesthetic disputes between neighbors, and provide established standards that help resolve any problems that do arise.

Reston Association (RA) Design Review Board (DRB)

Reston comprises all varieties of housing, as well as shopping areas, commercial complexes, offices, and public facilities. The Reston Association Design Review Board Process and Standards apply equally to all property owners subject to the Reston Deed of Dedication, which gives the Reston Association responsibility for decisions involving the Protective Covenants as well as their administration.

These RA DRB standards set narrower restrictions on the Protective Covenants. In other words, the standards tell you what you can do to the exterior of your house. Design standards are based on the harmony with the overall community design, effect on neighboring properties, workmanship and materials, timing of completion, and safety and security.

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The DRB group consists of nine members--six design professionals (usually architects), and three lay members. All of them must be Reston residents and Association members.

Cluster Standards

These are DRB-approved Cluster standards that pertain to the particular design of the houses in Hillcrest Cluster. They are enforced by both RA and the Hillcrest Cluster Association Board of Directors.

Rules and Regulations

Generally, these refer to the rules that are in place but not in the Reston Deed. This can encompass the Standards and something that can be changed with a Board vote vs. the Protective Covenants, which require an amendment to the Reston Deed.

General Property Maintenance

The Protective Covenants in the Reston Deed of Dedication also require a minimum level of maintenance for all Reston properties. Owners are required to keep their property in a clean, attractive, and serviceable condition. Such maintenance includes:

- Repainting, re-staining, or renovating, as needed, exterior surfaces which are significantly different from what was approved by the DRB, whether the change is due to weathering, fading, peeling, cracking, blistering, staining, or other reasons;
- Replacing missing elements or repairing exterior damage or deterioration, including siding, trim fascia, roofing, doors, gutters, downspouts, flues, windows, or screens, fences, walls, decks, sheds, exterior light fixtures, and sidewalks;
- Replacing or repairing of fences, walls, retaining walls, or bulkheads, which are no longer stable or plumb;
- Trimming and maintaining bushes, trees, and hedges on the homeowners' property so they do not block sidewalks or other common areas, and mowing of grass in private yards to below six inches in length;
- Removing trash or unsightly objects, which may not be stored on the exterior of the property in view of neighboring properties; and

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- Removing or replacing any architectural element or other item that was previously approved by the DRB.

What is a Cluster and Why You Should Care

What is a Cluster?

Since its beginning, Reston has concentrated development in neighborhood groupings called clusters. This deliberate emphasis on neighborhood identity is widely held to be Reston's most distinguishing feature. Clusters vary greatly in size, scope of responsibilities, assets, and budget. However, certain characteristics are common to all and serve to define the concept.

A Cluster is Territorial

It is made up of a tract of privately owned residential land, which is usually fully developed. The tract contains a fixed number of residential lots, plus the remainder of the property, which is held under a single title by the cluster association. Use of the common land is reserved for all residents of the privately owned lots.

Do I Have to Participate in the Cluster Association?

Participation in the Cluster Association is Mandatory

Although individual lots may be freely bought and sold, participation in the cluster association is an irrevocable condition of purchase, as defined in the Reston Deed of Dedication.

A Cluster Association is a Formal Legal Entity Incorporated under Virginia Law

This incorporation creates a limited liability condition for individual cluster members, while permitting the hillcrest cluster association to contract for services to maintain the cluster in a manner for the good of residents of the association. The legal structure of clusters also provides for a proportional share of maintenance costs for the jointly owned common land. Payment of these costs is a contractual obligation of home ownership.

A Politically Constituted Entity

The group of homeowners in a cluster form a politically constituted entity with an elected board of directors that, in turn, selects executive officers, including a president, vice president, secretary, and treasurer.

Cluster Standards

In addition to the rules set forth in the Reston Deed and our Cluster's Articles of Incorporation and By-Laws, RA and Hillcrest Cluster have established design standards with which all homeowners

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must comply. These standards relate to the exterior aspects of the homes in our Cluster and are approved by the Reston Association Design Review Board.

In Hillcrest Cluster, the standards are a bit more complicated than most other Clusters in Reston because Hillcrest has four distinct sections—

- Bryan Courts (33 houses)
- Hillcrest (yes, there is a section of 25 houses in Hillcrest Cluster called 'Hillcrest')
- Fairfield (53 houses)
- Bridges (62 houses)

Each of these sections of the neighborhood was designed and developed by a different builder. To complicate things even further, some standards apply to all sections of Hillcrest Cluster, and some are unique to each section.

So, the first thing to do is identify which section your property is in! The map on the next page will assist you in doing so.

Cluster Map



Rights and Responsibilities of Homeowners and Residents

General Information

All owners of record within the Cluster are members of the Association, and as such have certain privileges and responsibilities.

Privileges of Residency

- Exclusive use of Hillcrest Cluster's common land and facilities;
- Opportunity to attend monthly Board meetings and to have input on Board deliberations.

Privileges of Membership

- All privileges extended to residents;
- One vote per house in the annual election, held in December; and
- Eligibility for election to the Board of Directors.

Members elect a Board of Directors to represent them in managing the affairs of the Cluster Association. Each household has one vote in the annual election, held in December. Owners who are unable to attend a meeting may file an absentee ballot with the Board for the election of officers, or a proxy for voting on other matters raised at the meeting. Renters are not granted a vote unless granted a proxy from the owner of record. Absentee ballots and proxy forms are available from the Cluster secretary.

Responsibilities of Membership

- Learning about, understanding, and complying with the RA Protective Covenants, Cluster By-Laws, Standards, and Rules and Regulations enacted by the Board; and
- Maintaining good standing with the Cluster Association

Complaint Procedure

The Common Interest Community Ombudsman regulations require all homeowner associations in Virginia. The Hillcrest Cluster Association adopt a written complaint procedure. This complaint procedure is only for violations of common interest community law or regulations, most notably the Property Owners Association Act of 2008. Examples of such complaints include access to books and records, adherence to generally accepted accounting

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practices, notice of meetings, and methods of communication. They do not include complaints about maintenance, covenant violations, parking, by-laws, or similar internal matters.

1. Members are urged to raise complaints of any nature by talking to board members individually, by emailing the HCA mailbox, or by attending a board meeting. If not satisfied, members can submit a written complaint to the Board of Directors, Attn: HCA President, at P.O. Box 3256, Reston, VA 20190. Complaints should provide detail about the common interest community law or regulation applicable to the complaint and the requested action or resolution sought.
2. The Board will provide written notice of receipt within 7 days.
3. The Board will request any additional information it needs within 30 days of receipt and place the complaint on the agenda for consideration at a mutually convenient board meeting, but not more than 90 days from receipt of the complaint.
4. The board will provide written notice of its final determination to the complainant. The notice will be dated and include specific references to applicable association governing documents, laws, or regulations that led to the final determination. It will also provide notice that, if the complainant is not satisfied, a Notice of Final Adverse Decision can be filed with the Common Interest Community Board via the Common Interest Community Ombudsman at 9960 Mayland Drive, Richmond, VA, 23233. The association will maintain records of any adverse decision for at least one year.
5. All notices will be sent by certified mail with a return receipt, or sent by email with proof of electronic delivery.

Copies of both the Common Interest Community Ombudsman Regulations and the Property Owners Association Act can be obtained from the Virginia Department of Professional and Occupational Regulation at www.dpor.virginia.gov/Homeowners-Associations.

Records Access

The Cluster Board's Secretary maintains a resident contact database. It currently provides the name and mailing address of the owner of record of each townhouse, and at the discretion of the owner, may also include phone numbers and addresses. The Board requires

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resident & owner contact information so that contacting them on Cluster issues can be done more efficiently, and in a timely manner.

Any homeowner in good standing may request a list of cluster residents, "...so long as the request is for a proper reason related to his membership...and not for pecuniary gain or commercial solicitation..." The HCA Board anticipates that most requests for records will be accommodated by physical examination, or can be provided by email. If a hard copy is required, the charge will be for commercial copying plus shipping and handling, payable in advance, cash, or check only.

Board of Directors

As mandated by its Articles of Incorporation and By-Laws, Hillcrest Cluster is managed by a Board of Directors, whose seven members are elected for a three-year term of office. There is no limit to the number of terms to which a Board member may be elected. Term expirations are staggered to ensure continuity and infusion of new members to the Board.

Overview of Duties

The duties and responsibilities of the Board of Directors include:

- Management of maintenance and improvement of the landscape and permanent facilities;
- Management of maintenance and improvement of roads and sidewalks, fire lanes and parking spaces, and streetlights;
- Supervision of contract services for financial management, grounds maintenance, trash collection, snow removal, etc.;
- Assuring compliance with the VA POA Act, covenants in the Reston Deed of Dedication, and HCA Articles of Incorporation and By-Laws;
- Assuring compliance with IRS requirements for tax-exempt status;
- Maintaining general liability and other insurance;
- Budgeting, levying, and collecting dues and special assessments;
- Conducting a Capital Assets Reserve Study at least every 5 years, as required by the VA POA Act; and
- Keeping Cluster members informed about issues pertinent to the association.

Common Property Management

Maintenance of the approximately 11 acres of common grounds is a major part of the responsibility of the Hillcrest Cluster Association (HCA), and a significant item in the Cluster budget. In addition to mowing, weeding, fertilizer, and other lawn care, the mature landscape (which includes the trees) of the Cluster requires constant attention.

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Vegetation is specifically discussed in property-use guidelines contained in the Reston Deed of Dedication and in the General Protective Covenants, which apply to the Cluster's common ground areas. Proper and vigorous maintenance, including replacement of trees and other shrubs that die or are removed, is designed to ensure there will always be an adequate quantity and variety of vegetation--one of the features of our cluster that makes it an awesome place to live.

In 2013, the HCA Board of Directors hired a landscape architect and arborist to develop a Common Property Management Plan for Hillcrest Cluster. The Board uses this plan for decision-making regarding maintenance of our common property's landscaping and tree management.

Roadways and Sidewalks

The paved roadways, parking areas, and sidewalks in Hillcrest Cluster are privately owned by the HCA. This means the HCA is responsible for every aspect of their upkeep. The scope of this upkeep includes the maintenance, repair, and replacement (when necessary) of--

- Curbs and storm drains
- Sidewalks
- Roadways
- Fire lane and parking space designations

The Cluster Board works to keep these areas well maintained and safe for all residents and contracts for repairs as required. In 2013, the Board of Directors prepared a Road Condition Assessment which identified deficiencies in the road surface such as potholes, alligator cracks and other deterioration. In addition, the assessment addressed damages to curb and gutter and adjoining sidewalks. The report is the basis for ongoing road rehabilitation, which should be completed in the 2020-2021 timeframe.

Simultaneously, the Cluster Association must comply with the covenants in the Reston Deed of Dedication when it comes to maintaining the Cluster's roadways, parking areas, and sidewalks.

The Board also works in cooperation with the Fairfax County Fire Marshal's Office to comply with Virginia and Fairfax County Codes on fire equipment access and designation of fire lanes.

Snow Removal

When our area receives significant snowfall or freezing rain, roadways become blocked, slippery, or hazardous, Saffold Way--which is a private road--is not plowed or treated by the Virginia Department of Transportation. Rather, the Cluster Board contracts for snow removal services each year. The contractor plows and treats travel lanes on Saffold Way, but does not clean or treat sidewalks or parking spaces.

It is expected that residents clear snow and ice from sidewalks in front of their home so that pedestrians can walk safely as soon after the conclusion of snowfall as safely possible. This community effort allows continued use of sidewalks and avoids pedestrian traffic in the plowed, and often slippery, roadways.

Salt should not be used to melt ice, since it causes concrete to erode, and eventually requires expensive repair or replacement. Cat litter, sand, or other non-salt substances are appropriate substitutes.

The Reston Association plows the walking trails and pathways on the edge of the Cluster, which it owns.

Cluster Cleanup

Cleanup days are usually held in the spring and fall, and are a long-standing tradition at Hillcrest Cluster. They provide an opportunity for residents to meet neighbors and to be involved in maintaining the Cluster's common grounds. The work done by residents also reduces what must be done by our paid grounds maintenance contractor, and can represent a significant cost savings for all homeowners.

The Cluster board compiles a work list, trash bags, and supplies, which are assembled at the main intersection near the basketball court. Typical jobs on the list include: weeding flower beds, picking up trash, pruning bushes and lower tree limbs, gathering fallen limbs, and more.

Information on Cluster cleanup days is published in the newsletter, and the time and date are posted on a display board at the Cluster entry. All residents are encouraged to attend to help with the chores.

Community Social Events

Weather permitting, a **picnic** is held for residents of Hillcrest Cluster on a Saturday afternoon, usually in the spring. The Cluster provides hamburgers, hotdogs, and soft drinks, and residents are encouraged to bring side dishes and desserts to share. The picnic date is printed in the Cluster newsletter and posted on the display board at the Cluster entrance. If the date for the Cleanup or picnic is rained out, the following Saturday is usually the backup date.

On the second Tuesday of December each year, the Cluster holds its **annual meeting and dinner**, and all are encouraged to attend. The Board provides food and drinks, delivers a presentation about all the work it has done throughout the year, and presents the draft budget for the subsequent year, which voting members of the association are required to approve.

Other community events include a **Halloween Parade** and **Easter Egg Hunt** in the fall and spring, respectively.

Meetings

Board meetings are held monthly and annually, and special meetings may be called under certain conditions.

Annual Meeting

In the second week of December each year, an annual meeting of all members of the HCA is held at a public building in the area. The purposes of this meeting are:

- Election of the Board of Directors;
- Presentation of the annual budget, assessments, and dues;
- Presentations by the Board to the general membership of items of concern;
- Discussion of concerns and issues brought by members; and
- Discussion of any items of general interest to members.

Immediately following the annual meeting, the Board (including newly elected members) meets to elect its officers. That is, the positions of president, vice-president, treasurer, and secretary, which are each one-year positions, subject to this election process. There are no limits to the number of times a Board member may be re-elected to any position.

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Monthly Board Meetings

The Board of Directors usually meet on the second Tuesday of the month at 7:30 p.m. Members of the Association may attend these meetings to raise specific issues of concern. Meeting locations are rotated among the homes of the board members. Please note that dates and/or meeting locations may be changed to accommodate the schedules of board members, so it is necessary to check with a Board member if you wish to attend any given meeting. The location of monthly Board meetings is announced in the Cluster newsletter and on the website.

Members of the Association may attend these meetings to raise specific issues of concern. As a courtesy to the person hosting the meeting, and to ensure that issues raised are included on the meeting agenda, members are asked to contact the Secretary or President to schedule their attendance in advance.

Special Meetings

These meetings may be called at any time by the HCA President, the Board of Directors, or Cluster members representing at least one-fifth of the homeowners.

Communications

The Board of Directors provides information to all Association members via this Handbook, regularly issued newsletters, the Cluster website, which may be accessed at www.hillcrest-cluster.com, and via email when information needs to be distributed more timely.

Handbook

The Cluster Handbook is updated periodically by the Board. When an update occurs, the new Handbook and its accompanying section-specific standards pamphlets are distributed to the entire association. New residents receive the information included in the Handbook as part of the disclosure documents. It is designed to be a reference guide for issues of importance to Association members and must be shared with tenants if you rent your property.

Newsletter

The Cluster newsletter is published quarterly and distributed to all Association members and residents by email or U.S. mail (if requested). In addition to items of general interest, the newsletter provides information on Cluster business and decisions of the Board. The names, phone numbers, house numbers, and email addresses of Board members are included, and the location of the next

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monthly Board meeting is provided. Residents may also place ads for items for sale, submit announcements of services available, or contribute topics of interest for inclusion in the newsletter.

Website

Our Cluster website (www.hillcrest-cluster.com) consists of a description of the cluster and map, copies of the cluster newsletters, meeting and events calendar, the design standards and color palette for houses in each section of the neighborhood, a list of Board members, news & announcements, and other information of importance to residents.

Email

Members may contact the Board via info@hillcrest-cluster.com.

As mentioned previously, the Board occasionally sends email blast communications to residents and/or homeowners. If you would like to have your email address added to our distribution list, please send your information to info@hillcrest-cluster.com.

A list of common community resources of interest is provided as Appendix C for your reference.

Dues and Assessments

The Board of Directors is responsible for determining the costs of operating and maintaining the Cluster. Each year, the Board develops a budget, which is presented to cluster residents at the annual meeting in December for review. Based on this budget, dues are levied for the following year. Special assessments may be levied by the Board at any time as need arises, to fund unexpected or under-funded situations during the year. This might include, for example, mid-year increases in a Cluster service contract, weather-related damage to the trees or grounds, or unexpected roadway or sidewalk repairs. Special assessments differ from, and are in addition to, annual dues because they are for a specific purpose and for a limited period of time.

Dues

Paying dues is a legal responsibility assumed by purchasing a house in Hillcrest Cluster.

Dues are billed annually by the Cluster's financial management company. It is important that all members pay their annual dues promptly in order for the Association to take care of its financial responsibilities.

Annual dues are based on a budget developed by the Board of Directors. The budget includes all the necessary expenses to maintain the cluster in good working order and includes common grounds maintenance, streetlights, trash collection, snow removal, insurance, infrastructure and other administrative expenses. Revenues are comprised of annual dues, interest income, prior year dues payments, and any carryover funds that may be available.

In 2018, the Board completed a Capital Assets Reserve Study to meet the requirements of the Virginia POA Act (2008), as amended. The study identified the cluster's capital infrastructure assets-- roads, sidewalks, pathways, and recreation areas. Since it is imperative that the Hillcrest Cluster Association (HCA) take necessary actions maintain these assets in a good state of repair, it was necessary to identify the useful life and the replacement costs if the assets, which was estimated at approximately \$800,000 in 2020 dollars. The VA POA Act requires that homeowners associations establish a capital reserve to maintain and rehabilitate its infrastructure to keep our community in a state of good repair. Based on this study, the cluster Board of Directors established a capital assets reserve for emergencies, and a long term capital replacement program for roads and sidewalks and recreation equipment. The annual contribution to these reserve funds is also included in the cluster's annual budget.

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In 2018, the Board of Directors established a five year operating budget plan as a guide for future expenditures and annual dues. This projected budget will be updated annually to ensure that residents and homeowners are kept abreast of the associations financial needs.

Per the Cluster's By-Laws, Board members may be compensated for their service. The tradition for Hillcrest Cluster has been for Board members to be compensated the equivalent amount as their annual dues. Board members are not, however, required to accept compensation for their service. To do so is voluntary. That said, when a Board member chooses to be compensated, we follow the rules set forth by the Generally Accepted Accounting Principles (GAPP): Each Board member pays their dues and then requests reimbursement for the amount paid, and these transactions are accounted for in our books. The reimbursement is reported to the IRS through form Misc-1099.

The current billing schedule follows.

1. At the end of the calendar year in December, invoices are sent to homeowners.
2. Hillcrest Cluster offers homeowners a discount, which is determined by the Board, if dues are paid by February 28th of each year. The postmark on the payment will determine eligibility for any discount offered.
3. Payment in full must be made by June 30th of each year to avoid accrual of interest.
4. From the first day of July, all accounts with an unpaid balance will be charged interest at the rate of 1.5 percent per month. Interest will be charged to the account on the first day of every month in which there is an unpaid balance until the account is paid in full.
5. If necessary, quarterly statements are mailed to all HCA Members with an outstanding balance on the first of April, July and October.
6. All accounts with an overdue balance on December 31st will be referred to the HCA legal counsel for collection. After the account is referred and after due notice has been given, a lien will be filed against the title of the property. Should the account continue in arrears, further legal action may be taken.

Special Assessments

Special assessments may be levied by the Board at any time if the need arises, to fund unexpected or under-funded situations during the year. This might include, for example, mid-year increases in a Cluster service contract, weather-related damage to the trees or grounds, or unexpected roadway or sidewalk repairs. Special assessments differ from, and are in addition to, annual dues because they are for a specific purpose and for a limited period of time.

Maintaining Your Hillcrest Cluster Property

To make it easier for Hillcrest Cluster residents, the Cluster Board has adopted, and had approved by RA, some standard exterior covenants for our properties. Please note that some standards apply to ALL sections of Hillcrest Cluster (i.e., Bridges, Bryan Courts, Fairfield, and Hillcrest) and other standards are section-specific.

Your first step is to identify which section of Hillcrest Cluster your house is in (i.e., Bridges, Bryan Courts, Hillcrest, or Fairfield) using the map located at the beginning of this document to determine which standards apply to your home.

Your section-specific standards are located in a separate pamphlet, which accompanies this handbook, or you can access the information on the HCA website at: www.hillcrest-cluster.com.

All other exterior changes not specified in your section-specific documents are subject to HCA and RA DRB approval. This includes: permanent artwork, attic ventilators, flags, privacy screens, play equipment, skylights, spas and hot tubs.

Before making any change in the exterior of your property not included in your section-specific documentation, you must obtain approval from the Hillcrest Cluster Association (HCA) and the Reston Association Design Review Board (RA/DRB). The next major section of this Handbook discusses HCA and RA/DRB the approval process and procedures in more detail.

When in doubt, ALWAYS check with the Hillcrest Cluster Association Board and Reston Association before making any exterior changes to your property.

Procedures for Submitting a RA Design Review Board Application

Homeowners often assume modifications or routine maintenance to the exterior of their Saffold Way property is not subject to DRB approval, but it is prudent to check any time an exterior change is being considered.

A brief summary of the steps needed to complete and submit a request for alterations or additions to your property follows. Homeowners are encouraged to call the Reston Association Covenants Office for more complete information and assistance, or to check the website at www.reston.org.

Please Note: In addition, alterations to your Saffold Way property must also follow Fairfax County zoning and construction permit ordinances, which change from time to time. It is your responsibility to be sure your project is in compliance with these requirements.

1. Download a DRB application from the RA website:
<https://www.reston.org/Portals/3/2015PROPERTY/DRBApplicationIndividualPropertyFI LLABLE011516.pdf>

This form also can be picked up at the Reston Association Office (12001 Sunrise Valley Drive, Reston, VA 20191), or you can call (703) 435-6530 to request that the form be mailed to you.

2. If you have any questions, call the HCA Board member responsible for DRB applications and RA's Member Relations Office and/or to find out if approved Cluster specifications already exist for your project or to get a clearer idea about what will be acceptable. If so, your request must conform to those specifications.

Copies of the Reston Association booklet, **Design Guidelines and Design Review Process User's Guide**, are available from the Association office. Design guidelines are also available on the Reston Association website, www.reston.org.

3. Complete your application, making sure you get the proper signatures required and provide as much detail about your project as possible. Specifications matter.

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You must also inform your neighbors of your plans, and be sure the Neighboring Property Owners Acknowledgement at the bottom of the application form is signed. Another signature must be completed by an officer of the Cluster Board of Directors.

4. Submit your application to the HCA Board member responsible for DRB applications. S/he will review the application and either approve it as is or disapprove and list the Board as an affected party.
5. The HCA Board member will return the application to you.
6. After gathering the required signatures acknowledging your plans, submit the application to the Reston Association. You may scan and email, mail, or hand-deliver your application to the RA Covenants Office.
7. A RA staff member will review it to verify the information provided. They will advise you if additional information is needed. They also will notify you of when the application will be reviewed by the DRB, as the DRB meets at scheduled meeting times to review these applications. Note that it may take weeks for your application to be reviewed.
8. If the application is for a major addition, or another party is involved, it will be included on the agenda for consideration at the next available scheduled meeting of the DRB. You should attend the meeting and present your application.
9. Attend the DRB meeting where your application will be discussed.

The DRB is the ultimate authority regarding approvals. If the DRB approves your application, the form will be approved, signed, dated, and returned to you and the original application will be filed at RA in a folder for your property.

A RA DRB submittal requirement checklist is available at this link:

<https://reston.org/Portals/3/2017Property/RAApplicationChecklistNEW2.docx>

Landscaping and Common Property Maintenance

Hillcrest Cluster Common Area

Our Cluster has one of the largest common areas of any cluster in Reston. Our 11 acres open space have many mature trees, wide expanses of lawn, and a playground. This park-like setting is a major asset for our property. Maintenance of the approximately 11 acres of common grounds is a major part of the responsibility of the Hillcrest Cluster Association (HCA), and a significant item in the Cluster budget. In addition to mowing, weeding, fertilizer, and other lawn care, the mature landscape (which includes the trees) of the Cluster requires constant attention.

In 2013, the HCA Board of Directors hired a landscape architect and arborist to develop a Common Property Management Plan for Hillcrest Cluster. The Board uses this plan for decision-making regarding maintenance of our common property's landscaping and tree management, and has used a staged, annual implementation of the most critical parts of the plan

Routine Maintenance Work

Is contracted to a professional lawn company. They also provide some of the landscaping work, based on plans developed by the Board. During Cluster Cleanup days in the spring and fall, residents may help with projects, which reduce the amount we pay our contractor.

Maintenance of the Common Grounds

Is a major part of the responsibility of the Hillcrest Cluster Association, and a significant item in the Cluster budget. In addition to mowing, weeding, fertilizer, and other lawn care, the mature landscaping of the Cluster requires constant attention. Vegetation is specifically discussed in property-use guidelines contained in the Reston Deed of Dedication and in the General Protective Covenants, which apply to our common ground areas. Proper maintenance, including replacement of trees and other vegetation, is designed to ensure that there will always be an adequate quantity and variety of both throughout Reston. The Cluster is a strong and active supporter of this goal. Hillcrest Cluster has also established a Common Property Management Plan to govern future landscaping decisions.

Landscaping Projects

In addition to work done by our lawn maintenance contractor, the Board budgets and plans for annual landscaping projects for our common grounds. We welcome and consider ideas proposed by residents. All ideas proposed by residents for a landscaping project will be reviewed by the Board to ensure that it is within the parameters of the Common Property Management Plan. Although the Board welcomes resident input on landscaping for the common areas, the Board maintains the decision making authority in order to ensure changes are in keeping with overall landscaping plans, and to provide for proper future maintenance.

Private Yards

Owners of individual houses in the Cluster are responsible for maintaining their own yards, including the areas in front, the side yards for end units, and the back yards to the property line (usually about the end of the divider fence.) If a land plat was provided at settlement, it can be consulted to determine the dimensions of the property.

Plantings and easily removable decorations are permitted, but major changes, such as patios, terraces, or changes to porches and decks must be approved by the Reston Association Design Review Board (DRB). Please consult a member of the HCA Board to determine if your project requires a DRB application. If so, the RA DRB application must be completed and submitted to the Cluster Board before it is submitted to the RA DRB. The application should include a complete list of materials, diagrams, or drawings to explain the project.

Homeowners cannot put permanent fixtures, such as terraces, walls, fences, or decks, past their property lines.

Trees

The removal of a tree, even in one's own yard, is subject to DRB review and approval. Generally, the removal of a living tree with a trunk more than 4 inches in diameter requires replacement by another tree, and is subject to DRB approval.

Based on recent Virginia court decisions, the owner of a tree – whether it is an individual or the Cluster – has a responsibility to use reasonable care and regularly inspect it for conditions that might be hazardous to others. HCA regularly inspects its trees, and removes

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or trims those which may be diseased, damaged, or in such a condition that they might fall on or cause damage to adjoining property.

- Damage to a house or property caused by a tree that is within the homeowner's property lines is the sole responsibility of the owner.
- Damage caused by an act of nature or weather conditions such as the falling of a branch or tree from Cluster property to private property, is not covered by the Cluster's insurance. It is the responsibility of the homeowner to apply to his own insurance company. Homeowners are also responsible for the cost of trimming branches that overhang their houses from a tree on cluster property, or from the yard of a neighbor.
- Homeowners are urged to notify the HCA board of any cluster trees that may be of concern.

The Hillcrest Cluster Association contracts with a tree service to annually prune and trim trees and to remove trees that may be damaged or dead and pose a danger to residents or personal property.

Vehicles and Parking

Parking, General

Hillcrest Cluster at Saffold Way has about two parking spaces per house. Households with more than two cars are urged to consider the needs of others and park their vehicles in less congested areas of the Cluster, or on Ring Road.

Although many Reston clusters have assigned parking, a 2006 ruling of the Virginia Supreme Court determined that in most cases the deed of dedication of the property “does not authorize the board to license portions of the common area...or to obtain the same result by a rule or regulation that effectively divests unit owners of access to certain portions of the common area...”

Unless a cluster with reserved parking has specific wording in its deed of dedication which permits such restrictions on common areas, it is in violation of current laws. The only exception is the assignment of disabled parking spaces on a case-by-case basis, as may be required by law.

Vehicle and Parking Regulations for Saffold Way

The RA Protective Covenants and By-Laws of the Hillcrest Cluster Association require that all motor vehicles parked or operated on Cluster property comply with the laws and regulations of the Commonwealth of Virginia and Fairfax County. This means that

- All vehicles parked in Hillcrest Cluster must display a valid State-issued license plate and be registered in Virginia within 30 days of moving into the State.
- Vehicles must also pass the State inspection, and display a current, valid inspection sticker before they can be legally driven in Virginia.
- Fairfax County requires payment of a personal property tax on automobiles, trucks, and certain other vehicles.
- Any person operating a motor vehicle on Cluster property must have a valid driver’s license.

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More information on Virginia and Fairfax County regulations may be found at www.dmv.state.us and www.fairfaxcounty.gov.

The following Rules and Regulations adopted by the Hillcrest Cluster Association apply to all property owners and residents. Owners are responsible for notifying their tenants and guests of the regulations.

1. The posted speed limit on Saffold Way is 15 miles an hour. All drivers must observe this limit, and come to a full stop at all stop signs.
2. Only owners of record or their tenants and guests may park a vehicle on Hillcrest Cluster Association property. Vehicles must be parked within a marked parking space.
3. Commercial vehicles are prohibited from parking overnight on Cluster property, but may be parked during the day while service is being rendered to a resident.

Other vehicles prohibited include those with a carrying capacity of one ton or more, those, which are more than 7 feet wide or 20 feet long, vehicles, licensed for hire, and non-self-propelled vehicles. The Reston Association has a central storage facility for such vehicles, located at 12250 Sunset Hills Road. Contact the facility directly at 703-437-7658 for details.

5. Motorized recreational vehicles (RVs) within the size limits (7 feet wide and 20 feet long) may park on Cluster property. Non self-propelled vehicles such as trailers, boats, and motorhome attachments may park overnight, but must be removed within 24 hours.
6. Junk vehicles, defined as those which cannot be operated in their existing condition, may not be parked or stored on Cluster, and are subject to towing. Vehicles which have been parked on Cluster property for over 30 days without being moved may be considered abandoned under state law, and will be reported to the police.
7. Storage pods may be parked within a marked parking space for no more than four days, but the Cluster board must be informed of the dates before it is placed.
8. Motorcycles, mopeds, mini-bikes, dirt bikes, and ATVs should share parking spaces with other vehicles to the extent possible, provided they do not extend beyond the

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marked parking area. Vehicles of this type may not be driven on sidewalks, paths, or common property.

9. Only vehicles of residents may be repaired on Cluster property. Repairs and servicing must be done during daylight hours only. Vehicles may not be left unattended on blocks or jacks, and may not be left with the motor running. Vehicles which are found to be leaking oil, transmission, or other fluid are to be repaired within five days after the owner is notified. All fluids drained from a vehicle must be sealed in leak-proof containers, and properly disposed of at one of the two County recycling centers listed in Appendix D. The vehicle owner may be liable for any damage by automobile oil or other fluid to cluster property.
10. Any vehicle parked in a designated fire lane--where the curb is painted yellow--or within 15 feet of a fire hydrant, is subject to immediate towing.
11. If your vehicle is towed from Cluster property, Call Henry's Towing at 703-698-8900. The vehicle owner is responsible for all towing and storage expenses. The Hillcrest Cluster Association is not responsible or liable for any damage to the vehicle.

Enforcement of Parking Rules and Regulations

The HCA Board actively enforces vehicle and parking rules through regular inspections and records, and the input of residents. Although Saffold Way is a private street, the **Hillcrest Cluster Association has authorized the Fairfax County Police Department to enforce all Virginia and Fairfax County vehicle laws and codes on cluster property. Vehicles that fail to meet the legal requirements, are subject to ticketing by the police, and will be towed from the property if not brought into conformity with all Fairfax County and State requirements after ten days of initial notice of deficiency.** The owner will be liable for towing fees and storage charges. Failure to obey the posted speed limit, or to come to a full stop at stop signs, may result in a citation and fine from the police.

Reserved Parking for Disabled Residents

The Virginia Department of Motor Vehicles (DMV) provides parking placards and special license plates for persons with temporary or permanent disabilities that limit their mobility. The Hillcrest Cluster Association will make reserved parking spaces available to residents who

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are disabled, provided that they are able to demonstrate a valid need for the space. A request for such a space must be made in writing to the HCA board, and must include a physician's letter stating that there is a legitimate need, although the specific medical condition need not be described.

A special disabled parking placard or license plate must be displayed at all times by a vehicle parking in a reserved space. The holder of the placard or license must be the driver or a person who is a regular passenger of the vehicle, such as a disabled spouse or child. The placard must hang from the rear-view mirror when the vehicle is in the parking space if there is no disabled symbol on the license plate.

The Cluster maintains an inventory of disabled parking signs, which will be installed at the expense of the requestor. The total cost for installation is currently about \$300. The parking space becomes a general parking space if the resident no longer needs it.

Snow Parking Policy

When Reston receives significant snowfall (usually two or more inches), households may be granted temporary sole privileges to no more than two parking spaces by clearing them and placing a temporary traffic cone with their house number in the spot.

Notification that the policy is in effect will be made by posting the display board at the Cluster entrance as well as on the Cluster website, and ends when the snow emergency sign is removed.

Once the snow emergency is over, limited parking privileges are terminated and residents can park in any space, even if a marker remains, except those spaces designated as a disabled parking space.

Trash Collection and Recycling

General Information

Hillcrest Cluster contracts with a private company for trash and recycling services, which reduces the cost to about one-half of what it would be if residents arranged for that service individually. This also avoids the noise and inconvenience of having multiple trash trucks. The name and contact information for our current provider is listed on the Cluster website.

- Trash Pickup Mondays & Thursdays after 7:00 a.m.
- Recycling Pickup Wednesdays
- Yard debris pickup Thursdays **ONLY**
- Curbside pickups are made on Thursdays for such items as furniture, extra large amounts of yard debris, mattresses, and large non-metal household items, at no additional charge.
- Collection of so-called "white goods" (stoves, refrigerators, washers, dryers, hot water tanks, etc.) is by appointment only, and may be subject to an additional charge to the homeowner. If possible, residents should arrange for the old appliance to be picked up when the new one is delivered, which is usually done at no cost. Questions about the trash service, or requests for the pickup of "white goods," should be made directly to the contractor.
- Debris from remodeling projects or other construction projects are prohibited from being placed out for pickup by the Cluster's trash contractor. Residents must ensure that their contractors haul all debris from the cluster and do not set it out on the curb at any time.
- Service may be cancelled when snow or ice makes driving conditions unsafe.

Our trash provider is closed on all major holidays. In all holiday cases, the scheduled collection will be cancelled and collection services will continue on the next regularly scheduled collection date. This means that if a holiday falls on a Monday, the trash will be collected Thursday. If a holiday falls on a Wednesday, the recycling will be picked up on the

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following Wednesday. If a holiday falls on a Thursday, trash will be collected Monday. The list of holidays impacted by this policy are below:

- New Year's Day (January 1)
- Memorial Day (Last Monday of May)
- Independence Day (July 4)
- Labor Day (First Monday of September)
- Thanksgiving (Fourth Thursday of November)
- Christmas Day (December 25)

If you will be away on either trash or recycling pickup days, you should arrange with a neighbor to set out trash and retrieve empty cans. This minimizes the chance that animals will get into the trash and also contributes to the Cluster's overall appearance.

Trash Collection Do's and Don'ts

Do's

Trash should be placed at the curb no earlier than 6:00 p.m. the night before, and empty cans should be collected from curbsides as soon as possible, but no later than the evening of the pickup day.

- Trash must be placed in a covered receptacle and placed at the curb in front of your house.
- Broken glass should be wrapped in paper and placed in an appropriate trash receptacle.
- Refuse in paper bags is prohibited.
- Ashes may remain hot for several days, and should be placed in a metal container and cooled outside the house for about a week before being placed in the trash.
- Christmas tree disposal dates will be announced for each year.
- If your trash or recycling bins are missing or damaged, please reach out to the HCA Board member responsible for managing the trash collection service contract.

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Don'ts--Hazardous and Other Waste

Hazardous and other waste materials listed below may not be put out for residential collection, and must be transported to the appropriate collection facility in cardboard boxes, not in plastic trash bags.

Types of Hazardous Waste. Materials that must be disposed of only at the two Fairfax County authorized collection facilities include:

- Acids
- Aerosol sprays
- Automobile batteries
- Automotive fluids
- Coal tar products
- Creosote products
- Driveway sealers
- Explosives
- Floor care products
- Herbicides and fungicides
- Inks and dyes
- Insecticides
- Kerosene
- Mercury products
- Moth balls
- Oil-based paints
- Paint thinner
- Pesticides
- Poisons
- Polishes
- Pool chemicals
- Rust remover
- Solvent based glues
- Used motor oil
- Varnishes
- Wood preservatives

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Please see the hazardous waste disposal section of the Fairfax County website, <https://www.fairfaxcounty.gov/publicworks/recycling-trash/hazardous-waste>, for details on how to dispose of these items.

Types of Other Waste. Items prohibited by landfill regulations from being disposed of with the regular trash service include:

- Dead animals
- Construction or remodeling materials
- Manure
- Tree stumps
- Mulch
- Sod
- Dirt
- Stone, rocks, cement, or bricks
- Other dangerous material or items too large or heavy to be safely loaded into collections vehicles

Yard Waste

Pickup of yard waste (brush, leaves, and grass) is on Thursdays, and is made after 7:00 a.m. Yard waste should be tied in bundles no more than 4 feet in length and 4 inches in diameter, or placed in paper bags.

Do not use plastic bags, which can cause problems with the mulching machines.

Recycling

Pickup of recycling is on Wednesdays and is made after 7:00 am. Recycling bins should be placed at the curb no earlier than 6:00 p.m. the night before and empty bins should be collected from curbsides by 6:00 pm of the pickup day.

Fairfax County has one of the most comprehensive recycling programs in the area. Participation is mandatory for many items. The following list of items may be put at the curb on recycling day, or taken to one of the drop-off centers listed below.

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- Newspapers, including coated advertising inserts, placed in paper bags or tied with string.
- Food and beverage containers, commingled, including glass bottles and jars, and cans made of steel, aluminum, or bi-metal alloys. All should be rinsed, with the lids removed.
- Mixed paper and cardboard, flattened, including magazines, catalogs, envelopes, office paper, brochures, phone books, junk mail, food boxes, shoeboxes, and any clean paper without food residue.
- Plastic bottles and jugs with necks smaller than the body or with a screw cap, rinsed.

Failure to comply with the regulations on recycling and prohibited items may result in a fine being levied against our collection company, which will pass the cost on to us.

See Appendix D for information about Collection Facilities.

Fairfax County Codes

In addition to Hillcrest Cluster and Reston Association regulations (i.e., Covenants and Standards and Rules and Regulations), residents must comply with a variety of County codes. Additional information can be found on the Fairfax County website under Land Use & Development, Department of Planning and Zoning. That office can also be reached by telephone at 703-324-1380.

Animals

- Cats and dogs over 4 months old must have rabies shots. Questions on regulations applying to animals may be directed to Fairfax Animal Control at 703-830-1100.
- All dogs must be licensed in accordance with Fairfax County ordinances. The process to acquire a license can be found at <https://www.fairfaxcounty.gov/taxes/dog-license-information>.
- When they are outdoors, dogs must be kept on a leash and under control at all times. Failure to do so may result in animal impoundment by the County Animal Warden.
- Dog walking areas are provided at the perimeter of the Cluster, along Baron Cameron Avenue and other areas identified by the Reston Association. They should not be walked in other areas or along Ring Road.
- Dog feces **must** be picked up immediately. Fairfax County Code 41-2-6 states that:

“It shall be unlawful for the owner of any animal or animals to keep such animal or animals in such a manner as to cause unsanitary conditions. The owner or custodian of any dog shall be responsible for the removal of excreta deposited by such dog on the property of another, including public areas.”

- It is advisable to keep cats indoors from the evening before trash collection until after the collection has been made.
- Dog barking between 10 p.m. and 7 a.m. that is plainly audible in any other persons residence with doors and windows closed and the source of sound generation is discernible regardless of whether such doors or windows are closed is prohibited by

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the Fairfax County Noise Ordinance and is enforced by the Fairfax County Animal Control Office

Noise

Fairfax County ordinances prohibit loud noises that jeopardize the health or welfare of residents or degrade their quality of life. Nuisance noises, including the following, are considered illegal when plainly audible across property lines, or through partitions:

- Television, radio, or musical instruments between the hours of 11:00 p.m. and 7:00 a.m.
- Loudspeakers or amplifiers on the exterior of buildings between 9:00 p.m. and 7:00 a.m.
- Operation of construction equipment outdoors between 9:00 p.m. and 7:00 a.m.
- Repair of vehicles or equipment outdoors between 9:00 p.m. and 7:00 a.m.
- Use of powered model vehicles between 9:00 p.m. and 7:00 a.m.
- Refuse collection between 9:00 p.m. and 7:00 a.m.
- Truck loading or unloading between 9:00 p.m. and 7:00 a.m. As a consideration to our neighbors, the Hillcrest Cluster Association requests residents only schedule deliveries between 7:00 a.m. and 7:00 p.m. on weekdays and between 8:00 a.m. and 6:00 p.m. on weekends and federal holidays.
- The frequent or habitual howling, barking, meowing, or squawking of animals at any time.

Note that any violations of loud noise after 11:00pm should be reported immediately to the Fairfax County Police Department using their non-emergency telephone number (703-691-2131).

Other Zoning Ordinances

Several zoning ordinance violations that have occurred at Hillcrest Cluster in recent years are listed below. (The complete zoning code is available at <http://www.fairfaxcounty.gov/dpz/zoningordinance>)

- 2-501 prohibits the addition of a second kitchen in a dwelling unit built as a single residence, since the presence of a second kitchen makes the property a multiple dwelling unit.
- 2-502 prohibits more than four unrelated individuals from residing in a dwelling unit used for rental purposes.
- 10-300 governs the business use of residential property. In general, there should be no exterior evidence of the business. This includes exterior signs, heavy customer traffic to the residence, and use of industrial equipment. A permit must be obtained from the County before the owner can operate a business in his or her residence.
- 18-601 requires owners to obtain a permit before beginning any extensions, additions, or deletions to their property. The owner may be subject to a fine and required to remove or correct a structure built without a permit. Failure to obtain such a permit may hamper future sale of the property.

Selling Your Property

The Property Owners Association Act of 1989 requires both the Hillcrest Cluster Association and the Reston Association to provide disclosure packets that comply with the Common Interest Community Board (CICB) requirements for community associations.

Disclosure Packets

Disclosure Packets contain several documents. Among other things, information on whether your property violates any covenants is documented here.

Both packets must be provided to the new owner. When asked to provide a disclosure packet, HCA and RA will inspect the property to ensure it complies with the stated maintenance and design covenants and standards.

Homeowners selling their property must obtain and pay for disclosure packets from both HCA and RA.

- The current cost for the RA documents is \$255
- The HCA document plus home inspection (transmitted electronically) is \$150.

Some Tips for Making the Process as Smooth as Possible

- Homeowners are strongly advised to have a survey done as soon as they decide to sell, so that any property boundary problems can be corrected before settlement. Fences, decks, or other structures that extend beyond the property line may have to be removed, and could delay settlement.
- Owners planning to sell their Hillcrest property should contact the Reston Association to verify compliance before listing it for sale. It is not unusual to find that some alteration made by a previous owner does not comply with DRB guidelines.
- Before providing the RA Disclosure Packet, RA must complete an inspection of the exterior of the property and record any violations in a letter, which will be sent to you.

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- Typically, covenant violations must be resolved before the sale can be closed.
- You also must request a Hillcrest Cluster Association Disclosure Packet, which is separate from the one RA prepares.
- Signs no larger than five feet square indicating that a house is for sale or rent can be displayed on a homeowner's property, and temporary signs for open houses can be placed on cluster property, but must be removed after the open house.

Appendix A: Articles of Incorporation

Hillcrest Cluster Association

July 28, 1969

We hereby associate to form a non-stock corporation under the provisions of Chapter 2 of Title 13.1 of the Code of Virginia, and to that end set forth the following:

1. The name of the corporation is to be HILLCREST CLUSTER ASSOCIATION
2. The purpose or purposes for which the corporation is organized are:
 - (a) To take title to, hold, maintain, improve, and beautify, without profit to itself, for use in common of all the members thereof, their families, guests, and invitees, such parking areas, streets, open spaces, paths, and other facilities, as from time to time may be conveyed to it pursuant to a Deed of Dedication recorded in the Clerk's Office of Fairfax County, Virginia, on February 14, 1969, in Deed Book 3138, page 205, or pursuant to any subsequent deed re subdividing the land dedicated as aforesaid; to enforce the covenants, restrictions, reservations, servitudes, profits, licenses, conditions, agreements, easements, and liens provided in the Deed of Dedication or any subsequent deed to be enforced by the corporation; and to assess, collect and disburse the charges created under said Deed or subsequent deed, all in the manner set forth in, and subject to, the provisions of the said Deed or subsequent deed.
 - (b) To do any and all lawful things and acts the corporation may from time to time, in its discretion, deem to be for the benefit of the property shown within Blocks 2, 3, and 4, Section Nine on the plat attached to the Deed of Dedication, or any subsequent plat filed pursuant to the provisions of said Deed (hereinafter referred to as the "property") and the owners and inhabitants thereof or advisable, proper, or convenient for the promotion of the peace, health, comfort, safety, or general welfare of the owners and inhabitants thereof.
3. Provisions for the regulation of the internal affairs of the corporation are:

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- (a) The corporation is not organized for pecuniary profit, nor shall it have any power to issue certificates of stock or pay dividends, and no part of the net earnings or assets of the corporation shall be distributed, upon dissolution or otherwise, to any individual. The corporation may pay compensation in reasonable amounts to its members, directors, or officers, for services, including pensions.
- (b) The following shall be members of the corporation:
 - (1) Gulf Reston, Inc., a Delaware corporation (which, together with any successor to all or substantially all of its business of developing the community of Reston, is referred to herein as the "Developer of Reston"), and
 - (2) All persons owning of record any dwelling unit on the Property (except a person taking title as security for the payment of money or the performance of an obligation).

No person (other than the Developer of Reston) shall be a member of the corporation after he ceases to be the owner of record of any dwelling unit on the Property.

The directors of the corporation may, after affording the member an opportunity to be heard, suspend any person from membership in the corporation during any period of time when there exists a violation of any of the provisions of the Deed of Dedication (including, but not limited to, the failure to make any payment to the corporation when due and payable under the terms of the said Deed) with respect to the dwelling unit he owns or when he is in violation of any rule or regulation by the corporation with respect to the Property.

Each member of the corporation, by becoming such, agrees that he shall be personally responsible for the payment of the charges created under the Deed of Dedication with respect to the dwelling unit he owns and for compliance by himself, his family, guests, and invitees, with the provisions of the said Deed and the rules and regulations adopted by the corporation with respect to the Property.

The qualifications set forth herein for membership in the corporation shall be the only qualifications for such membership.

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- (c) The members of the corporation shall have the right to vote for the election and removal of directors. Each member of the corporation shall have one vote, except that:
- (1) Any person owning a multi-family dwelling and/or more than one dwelling unit shall have the number of votes equal to the number of dwelling units (including any contained in such a multifamily dwelling) owned.
 - (2) When any dwelling unit on the Property is owned of record in joint tenancy or tenancy-in-common, or in any manner of joint or common ownership, such owners shall collectively be entitled to only that number of votes to which one person would be entitled were he the owner of such dwelling unit. Such vote shall be exercised only by the unanimous action or consent of the owners of record of such dwelling unit who are entitled to vote with respect thereto.
 - (3) Only a member of the corporation (other than the Developer of Reston) residing in the dwelling unit with respect to which he is entitled to vote shall have the right to vote.
- (d) The directors may make such regulations as they deem advisable for any meeting of the members, in regard to proof of membership in the corporation, evidence of the right to vote, the appointment and duties of inspectors of votes, and such other matters concerning the conduct of the meeting as they shall deem fit.
- (e) The corporation may contract with the Developer of Reston or with any other person for the performance, as its agent, of any of the powers, duties, or functions of the corporation, which may be lawfully delegated by it.
- (f) Subject to conditions and qualifications set forth in the Virginia Non-Stock Corporation Act, the corporation shall indemnify any director or officer, or former director or officer, or any person who may have served at its request as a director or officer of another corporation in which it owns or owned shares of capital stock or of which it is or was a creditor, and the personal representatives of any of the foregoing, against any and all expenses, including attorney's fees, judgments, and amounts paid in settlement (before

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or after suit is commenced), actually and necessarily incurred by him in connection with the defense or settlement of any claim, action, suit, or proceeding in which he is made a party, or is a party, or which may be asserted against him by reason of his being or having been such a director or officer, or in connection with an appeal therein, unless he, or his testator, or intestate shall be finally adjudged, in such action, suit, or proceeding to be liable for negligence or misconduct in the performance of duty. Such indemnification shall be in addition to any other right to which those indemnified may be entitled under any law, by-law, agreement, vote of stockholders, or otherwise.

4. The management of the affairs of the corporation shall be vested in the directors. Only members of the corporation, their spouses, and designees of Gulf Reston, Inc. shall be eligible to act as directors of the corporation. The length of the initial term of each of the directors constituting the initial Board of Directors is set forth in paragraph 6 below. The first election of directors by the members of the corporation shall be held at the annual meeting of the members in 1970. The directors elected by the members at the first election of directors and thereafter, shall be elected for a term of three years until their respective successors are elected. Any vacancy occurring in the initial or any subsequent Board of Directors may be filled at any meeting of the Board of Directors by the affirmative vote of a majority of the remaining directors, though less than a quorum of the Board of Directors, or by a sole remaining director, and if not previously so filled, shall be filled at the next succeeding meeting of members of the corporation. Any director elected to fill a vacancy shall serve as such until the expiration of the term of the director, the vacancy in whose position he was elected to fill.
5. The post office address of the initial registered office of the corporation is 3976 Chain Bridge Road, Fairfax, VA. The name of the City or County in which the initial registered office is located is the City of Fairfax, Virginia. The name of the corporation's initial registered agent is E. A. Prichard, who is a resident of the State of Virginia, a member of the Virginia State Bar, an initial director of the corporation, and whose business office is the same as the registered office of the corporation.
6. The number of directors constituting the initial Board of Directors is five, and the names, addresses, and length of the initial terms of the persons who are to serve as the initial directors are:

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Name		Initial Terms
		(until the annual meeting of members in:)
E. A. Prichard	Fairfax, Virginia	1970
Glenn W. Saunders, Jr.	Reston, Virginia	1971
James Lawrence	Reston, Virginia	1971
R. Dennis McArver	Fairfax, Virginia	1972
Donald L. Cummings	Falls Church, Virginia	1972

DATED: July 28, 1969

[Signed]

Courtland L. Traver
F. S. McCandish
Arthur P. Scibelli
INCORPORATORS

I, Margaret Ann Warner, the undersigned Notary Public in and for the County of aforesaid, do certify that Courtland L. Traver, F. S. McCandish, and Arthur P. Scibelli, whose names are signed to the foregoing Articles of Incorporation, bearing date of the 28th of July, 1969, have acknowledged the same before me in my County and State aforesaid.

GIVEN under my hand this 28th day of July, 1969.

Margaret Ann Warner, Notary Public

My commission expires: November 16, 1971

Appendix B: Hillcrest Cluster Association By-Laws

As revised after legal counsel review in 2018¹

Article I — Offices

The principal office of the corporation in the Commonwealth of Virginia shall be located in the County of Fairfax. The corporation may have such other offices, either within or without the Commonwealth of Virginia, as the directors may from time to time determine. The current official address is P.O. Box 3256, Reston, VA 20190.

The corporation shall have and continuously maintain in the Commonwealth of Virginia a registered office and a registered agent whose office is identical with such registered office, as required by the Virginia Nonstock Corporation Act. The address of the registered office and the registered agent may be changed from time to time by the directors and the registered office may be, but need not be, identical with the principal office of the corporation in the Commonwealth of Virginia.

Article II — Members

Section 1. Membership in Corporation

The following shall be members of the corporation:

- (A) All persons owning of record any dwelling unit on the property shown with Hillcrest Cluster on the plat attached to the Deed of Dedication, or any subsequent Plat filed pursuant to the Deed of Dedication (hereinafter referred to as the "Property") (except a person taking title as security for the payment of money or the performance of an obligation). No person shall be a member of the corporation after he ceases to be the owner of record of any dwelling unit on the property.

¹ In winter 2017-18, the Board engaged our legal counsel at the time, Laurie L. Dolson, to perform a review of the HCA By-Laws to ensure they are consistent with the First Amendment of the Deed of Amendment to the Deeds of Dedication of Reston (the "Reston Deed"), the HCA Articles of incorporation, the Virginia Property Owners' Association Act (POA Act), the Virginia Nonstock Corporation Act, and other applicable law. This version of the HCA By-Laws were updated to incorporate recommended changes that resulted from this review.

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Each member of the corporation, by becoming such, agrees that he shall be personally responsible for the payment of the charges created under the Deed of Dedication with respect to the dwelling unit he owns, and for compliance by himself, his family, guests, and invitees, with the provisions of the said Deed and rules and regulations adopted by the corporation with respect to the Property. The qualifications set forth herein for membership in the corporation shall be the only qualifications for such membership.

Section 2. **Voting Rights**

The members of the corporation shall have the right to vote for the election and removal of directors. Each member shall have one vote, except that:

- (A) Any person owning more than one dwelling unit shall have the number of votes equal to the number of dwelling units owned.
- (B) When any dwelling unit on the Property is owned of record in joint or common ownership, such owners shall collectively be entitled to only that number of votes to which one person would be entitled were he or she the sole owner of the dwelling unit. Such vote shall be exercised only by the unanimous action or consent of the owners of record of such dwelling unit who are entitled to vote with respect thereto.
- (C) A member may vote by giving a duly executed proxy valid only for the meeting specified therein to another member of the corporation or any person residing in a dwelling unit on the Property. Such a proxy may be exercised by the other individual only if he attends the meeting for which the proxy is given. While directors are prohibited from using proxies to vote at meetings of the Board of Directors, directors may use proxies when they are voting as Members.
- (D) Members may vote on election of directors prior to the election by making a written request for an absentee ballot from the Board of Directors. The Board shall supply an official ballot and special envelope marked "Election Ballot." No other writing shall be on the envelope. If the ballot is to be mailed, it must be sealed in the envelope provided, and enclosed in an outer mailing envelope. All absentee ballots must be received by the Board by 5:00 p.m. of the evening of the election. Absentee ballots shall be counted with the regular ballots.

Article III — Meetings of Members

Section 1. **Annual Meeting**

The annual meeting of the members shall be held during the second week of December at a time in the evening and at a location to be determined by the Board. The purpose of the meeting shall be to elect directors for the following year, to present the budget to members, and to transact such other business as may be of concern to members. If the election of directors shall not be held on the day designated herein for the annual meeting or at any adjournment thereof, or pursuant to Section 5 hereof, the Board of Directors shall cause the election to be held at a special meeting of the members held as soon thereafter as convenient.

Section 2. **Special Meetings**

These meetings may be called at any time by the President, the Board of Directors, or Cluster members representing at least one-fifth of the homeowners. The persons or person authorized to call a special meeting may designate any place at a local public facility within the boundaries of Reston, or at the residence of a Board member.

Section 3. **Place of Meeting**

The Board of Directors shall designate the place of the annual meeting, which may be at the residence of a board member, or at a local public facility within the boundaries of Reston.

Section 4. **Notice of Meetings**

The corporation shall publish notice of any annual or special meeting of members in the manner provided by law. Written notice stating the place, day, and hour of the meeting and, in cases of a special meeting, the purpose or purposes for which the meeting is called shall also be mailed or hand-delivered to households not less than fourteen (14) or more than fifty (50) days before the date of the meeting. Notification shall be made by or at the direction of the President, the Secretary, or the person calling the meeting, to each member of the corporation at his address as shown on the records of the corporation. A member may, in writing signed by him, waive notice of any meeting before or after the date of meeting

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stated therein. Failure to mail or deliver any notice to any member shall not affect the validity of the published notice.

Section 5. **Quorum and Manner of Action**

Members holding one-fifth of the total votes (35 households), including proxies as hereinbefore provided, shall constitute a quorum at any meeting. If a quorum is not present at any meeting of members, a majority of the members present may adjourn the meeting without further notice. The vote of a majority of the votes entitled to be cast by the members present or represented by proxy at a meeting at which a quorum is present shall be the act of the members, unless a greater proportion is required by law, or by the Articles of Incorporation of the corporation, or by these By-Laws.

Section 6. **Conduct of Meetings**

The directors may make such regulations as they deem advisable for any meeting of members, in regard to proof of membership in the corporation, evidence of the right to vote, the appointment and duties of the inspectors of votes, and such other matters concerning the conduct of the meeting as they shall deem fit. Such regulations shall be binding upon the corporation and its members.

Article IV — Directors

Section 1. **General Powers**

The management of the affairs of the corporation shall be vested in the directors. Only members of the corporation shall be eligible to act as directors. The number of directors shall be as provided in the By-Laws. Vacancies on the Board of Directors may be filled at any meeting of the Board of Directors by the affirmative vote of a majority of the remaining directors, though less than a quorum of the Board of Directors, or by a sole remaining director, and if not previously so filled, shall be filled at the next succeeding meeting of the corporation; provided, however, that any vacancies in the board resulting from amendment of the By-Laws to increase the number of directors shall not be filled by the Board of Directors but shall be filled at the next succeeding meeting of the members of the corporation. Any director elected to fill a vacancy (other than one resulting from an increase in the number of directors) shall serve as such until the expiration of the term of the director, the vacancy in whose position he was elected to fill.

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Section 2. **Number and Tenure**

The numbers of directors shall be seven. Terms of service of directors are staggered, so that not all officers are subject to reelection in any one year, and are three years in duration per the Articles of Incorporation.

Section 3. **Regular Meetings**

A regular meeting of the Board of Directors shall be held immediately following the annual meeting of members. The Board of Directors may provide by resolution the time and place for the holding of additional regular meetings of the Board without other notice than such resolution.

Section 4. **Special Meetings**

Special meetings of the Board of Directors may be called by or at the request of the President or any two directors. The person or persons authorized to call special meetings of the Board may hold it at any place within the boundaries of Reston. The Board of Directors shall designate the place of the special meeting, which may be at the residence of a board member, or at a local public facility within the boundaries of Reston.

Section 5. **Notice**

Notice of the time, date and place of each meeting of the board of directors or of any subcommittee or other committee shall be published where it is reasonably calculated to be available to a majority of the lot owners. Any director may waive notice of any meeting in writing. The attendance of a director at any meeting shall constitute a waiver of notice of such meeting. Neither the business to be transacted at, nor the purpose of any regular or special meeting of the Board need be specified in the notice or waiver of notice of such meeting, unless specifically required by law, by the Articles of Incorporation, or by these By-Laws.

Section 6. **Quorum**

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Except as otherwise provided by law or by the Articles of Incorporation of the corporation, or by these By-Laws, a simple majority of the Board of Directors shall constitute a quorum for the transaction of business at any meeting of the Board; but if less than a majority of the directors are present at said meeting, a majority of the directors present may adjourn the meeting from time to time without further notice.

Section 7. **Manner of Action**

The act of a majority of the directors present at a meeting at which a quorum is present shall be the act of the Board of Directors, unless the act of a greater number is required by law, or the Articles of Incorporation of the corporation, or by these By-Laws.

Section 8. **Compensation**

Directors shall not receive any stated salary for their services performed to the corporation, but may receive compensation in an amount equal to the annual assessment or such other amount as may be reasonable and commensurate with the services performed, and which will be reported to the IRS via a Misc-1099. Nothing herein shall be construed to preclude any director from serving the corporation in any other capacity and receiving compensation thereof.

Section 9. **Informal Action by Directors**

Any action required by law to be taken at a meeting of directors, or any action which may be taken at a meeting of directors, may be taken without a meeting but is generally limited to extreme emergencies (when a meeting cannot be convened, and a decision must be made immediately) if a consent in writing setting forth the action so taken shall be signed by all the directors.

Article V — Officers and Committees

Section 1. **Officers**

The officers of the corporation shall be a President, one or more Vice Presidents, a Secretary, and a Treasurer. Three of the officers must be directors: the President, Vice President, and Treasurer. Two of the officers other than the Treasurer must sign all checks. The Board assigns duties to the officers, so officers may not delegate their responsibilities to other

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board members without Board approval, and may also perform Standing Committee functions.

The responsibilities of the officers shall be as follows:

President: Acts as director of the corporation and chief spokesperson; oversees general operations; is liaison with the Reston Association, and with the Cluster attorney on non-financial legal matters; sets meeting agendas; chairs regular meetings of the board of directors; and co-signs checks.

Vice-President: Acts in the absence of or at the request of the president; chairs one or more standing committees; co-signs checks.

Treasurer: Oversees financial management contract and drafts the annual budget; acts as liaison with attorney on financial matters; prepares annual budget.

Secretary: Prepares all written materials, including minutes of meetings, HCA correspondence, and newsletter; distributes handbook and disclosure documents; maintains website and other electronic information systems, including list of residents; maintains files.

The Board of Directors may elect such other officers, including one or more Assistant Secretaries or Treasurers, as it shall deem desirable. Such officers shall have the authority and perform the duties prescribed by the Board of Directors.

Section 2. **Committees**

The Board of Directors, by resolution adopted by a majority of the directors in office, may designate one or more committees, each of which shall consist of one or more directors. Committees will assist the Board of Directors in carrying out the responsibilities of the HCA, however, no such committee shall have the authority of the Board to approve an amendment to the Articles of Incorporation of the corporation or a plan of merger or consolidation. The Board oversees any Committees and receives regular reports on their activities.

Section 3. **Election, Term of Office and Vacancies**

The officers of the corporation shall be elected by the Board of Directors at the first meeting of the Board of Directors following the annual meeting of members. Each officer shall hold

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office until his successor shall have been duly elected. A vacancy in any office arising because of the death, resignation, and removal or otherwise of an officer may be filled by the Board of Directors for the unexpired portion of the term.

Section 4. **Removal**

Any officer may be removed by a vote of the Board of Directors with or without cause whenever, in its judgment, the best interest of the corporation will be served thereby. If a Board member or officer misses two consecutive meetings without good reason, the Board may consider that position vacant. Directors, who are elected by members, must also be removed by a vote of the members.

Section 5: **Powers and Duties**

The officers of the corporation shall, except as otherwise provided by law, by the Articles of Incorporation of the corporation, by these By-Laws, or by the Board of Directors, each have such powers and duties as generally pertain to their respective offices, as well as such powers and duties as may from time to time be specifically conferred or imposed by the Board of Directors. The President shall be the chief executive officer of the corporation.

Article VI — Pre-authorized Expenditures

The Hillcrest Cluster Board of Directors may authorize individual board members other than the Treasurer to obligate or expend limited funds against a petty cash fund or a specified, existing, board approved contract without prior approval by the board. The Treasurer is authorized to issue payment for such expenditures without additional action by the board. Each authorized board member shall report all such expenditures at the next board meeting. All other expenditures require explicit prior approval by a vote of the board of directors.

Article VII — Seal

The Board of Directors shall provide a corporate seal, which shall be in the form of a circle and shall have inscribed thereon the name of the corporation, the year of its incorporation, and the words, "Corporate Seal--Virginia."

Article VIII — Amendments

These By-Laws may be altered, amended, or repealed and new By-Laws may be adopted by the Board of Directors. Notification of such changes shall be provided to all members, and written documents such as the handbook and website shall be amended to include the change.

Appendix C: Community Resources

- Color Palette Paints: Sherwin Williams Paints
495-A Elden Street, Herndon, VA
703-471-1484
- Community Centers: Hunters Woods (in shopping center)
2310 Colts Neck Road, Reston, VA 20191
703-476-4500
- Lake Anne (in shopping center)
1609A Washington Plaza, Reston, VA 20190
703-476-4500. ext. 3000
- Fairfax County: General Information Desk
Fairfax County Government
12000 Government Center Parkway, Fairfax, VA
22035
703-324-3185
www.fairfaxcounty.gov
- (Information on many topics, including courts, libraries, parks, schools, taxes, transportation, and zoning.)
- Fire Department: General non-emergency telephone number,
703-691-2131
- Reston Station 25
1820 Wiehle Avenue, Reston VA 20190
703-437-7575
- North Point Station 39
1117 Reston Avenue, Reston, VA 20194
703-433-1418

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Hazardous Waste Facilities:	I-66 Transfer Station 4618 West Ox Road, Fairfax VA 22030 703-631-1179
	I-95 Landfill Complex 9850 Furnace Road, Lorton, VA 22079 703-690-1703
Libraries:	
General Information:	www.fairfaxcounty.gov/librarybranches
Local Branch:	Reston Regional Library 11925 Bowman Towne Drive, Reston, VA 20190 703-689-2700
Medical Facilities:	INOVA Emergency Center 11901 Baron Cameron Avenue, Reston, VA 20190 703-668-8333
	Reston Hospital Center 850 Town Center Parkway, Reston, VA 20190 703-689-9000
Police Department:	Non-emergency telephone number, 703-691-2131
	Fairfax County Police Department, Reston 12000 Bowman Towne Green, Reston, VA 20190 703-478-0904
Post Offices:	Reston Main Branch 11110 Sunset Hills Road, Reston, VA 20190 703-689-9874
	Herndon Main Post Office 590 Grove Street, Herndon, VA 20170 703-689-9890

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Chesapeake Chocolates
11426 Washington Plaza, Reston, VA 20190
703-620-0082

Reston Association: Reston Association
12001 Sunrise Valley Road, Reston, VA 20191-3404
703-435-6506
www.reston.org

Towing Services Henry's Towing Service
703-698-8900

Trash Collection and Recycling: Waste Management (WM)
1505 Moran Rd, Sterling, VA 20166
703-450-5950
<https://www.wm.com/us>

Yard Work and Landscaping: Blade Runners
3150 Spring Street, Fairfax, VA 22031
703-273-8873 x550
www.blade-runners.com

Topics available on the RA website include, cluster information, design review procedures and forms, disclosure documents, and parks & recreation (including swimming pool passes), and more.

Appendix D: Collection Facilities

Residents may take their recyclable and hazardous or other types of waste products to the following locations:

Facilities for Most Recyclable Products

- Baron Cameron Park, 11300 Baron Cameron Avenue, Reston, VA 20190 (newspaper only)
- Blake Lane Park, 10031 Blake Lane, Oakton, VA 22124
- I-66 Transfer Station, 4618 West Ox Road, Fairfax, VA 22030
- Reston South Park & Ride, 2531 Reston Parkway, Reston, VA 20191

Facilities for Hazardous Waste

Such items must be delivered by residents to the following county facilities. Their hours of operation are limited, and some fees apply.

- I-66 Transfer Station, 4618 West Ox Road, Fairfax, VA 22030. Hours of operation, Thursday, 1:00 p.m. to 5 p.m., Friday, 8:00 a.m. to 12 noon, and Saturday, 9:00 a.m. to 3:00 p.m.
- I-95 Landfill Complex, 9850 Furnace Road, Lorton, VA 22079. Hours of operation Thursday, 8:00 a.m. to 12 noon, Friday, 1:00 p.m. to 5:00 p.m., and Saturday, 9:00 a.m. to 3:00 p.m.

Items which are not accepted at these facilities include ammunition, illegal fireworks, propane tanks, explosives, radioactive material, compressed gas cylinders, and smoke alarms with radioactive symbols.

For information on how to dispose of ammunition, contact the police department at 703-246-2253. For information on disposal of fireworks and propane tanks, contact the Fire

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Prevention Division at 703-246-4741. For all other items, contact Citizens Recycling and Disposal at 703-324-5051.