

Alstonvale



Alstonvale Residents Association

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A. PREAMBLE

Alstonvale is a residential community in Hudson, Qc. and is comprised of Rue Raffles, Rue Rag Apple (except cadastre #s 6394199 & 3027100), Rue Sunrise, Rue Vipond (including cadastre # 3297384, excluding cadastre #s 3297411 & 3297398) and Rue Mayfair civic numbers 57 through 112 inclusive (including cadastre #s 1835155, & 3105017, excluding cadastre #s 3297398, & 3297411).

All Owners who own one or more Lots subject to this Charter within Alstonvale affirm and subscribe to the purposes and provisions of this Community Charter.

B. MISSION

The mission of the ARA is to preserve Alstonvale's reputation as a preferred place to live, while maintaining the common areas within Alstonvale and working with the Town of Hudson to continually improve the Alstonvale community. All activities will be designed to improve the safety and security of the area while maximizing the facilities available and respecting the environment. All projects and activities will be designed with the intent to maintain or increase property values within Alstonvale, where feasible. All reasonable efforts will be made to have all residents respect the Alstonvale Residents Association Charter.

The ARA is not an enforcement body for the Town of Hudson's By-Laws nor is it to actively police the community looking for Charter non-compliance.

The architectural controls that form part of this Community Charter are intended to allow ample opportunity for individual expression through improvements to any Lot while ensuring that design harmony is achieved and maintained throughout Alstonvale.

C. DEFINITIONS

Alstonvale

The region of the town of the town of Hudson, Quebec defined as including: rue Raffles, rue Rag Apple, rue Sunrise, rue Vipond and rue Mayfair starting at #57 (cadastre #s 4 438 201) & 62 (cadastre# 4 438 202) and continuing to rue d'Alstonvale.

Alstonvale Residents Association (hereinafter called "Association" or "ARA")

A legally, provincially incorporated non-profit organization which operates subject to its By-Laws.

Applicant

A person submitting plans and specifications to the Architectural Review Committee

Board

The Board of Directors of the Association.

By-Laws

The by-laws of the Association.

Lot

Any plot of land within Alstonvale, which has a designated Cadastre # on the Energie et Ressources naturelle website.

Member

All property owners within Alstonvale are automatically members (herein after called "Members") of the ARA.

Owners

The person, persons, legal entity or legal entities as recorded on the latest Deed of Sale.

Residents

Any person who is legally living within Alstonvale.

D. ASSOCIATION CHARGES

Types of Charges**Annual Fees**

The ARA will charge each Owner an annual fee to cover the period 01-Jan through 31-Dec. The amount of this fee will be decided by the Board of Directors and will be fixed at a uniform rate for all Owners. The fee will be used to cover the cost of matters of common interest such as gardening on ARA properties, weed cut backs on vacant Lots, etc.

Special Levies

The Association may impose a special levy against an Owner to reimburse the Association for the costs incurred in bringing that Owner or his Lot into compliance with the provisions of this Community Charter.

Service Charges

Any charge made in accordance with this Community Charter shall be a debt of the Owner of a Lot at the time the charge is due. Any charge not paid within 30 days after the due date shall bear a service charge from 30 days following the due date at the Revenu Quebec interest rate on balances owing.



Legal Fees

The Association will charge an Owner all reasonable legal fees incurred in recovering charges owed to it.

Effect of Non-Payment of Charges

Any unpaid charge along with service charges and reasonable legal fees shall be a charge on the land and shall be a continuing lien upon the Lot against which such a charge is made. The lien shall be effective.

Upon recording of a notice of delinquent charges the Association may institute legal proceedings against the Owner in default and, in addition or instead of, may foreclose a lien against the Lot. This lien may be registered against the property and enforced by sale by the Association after failure of the Owner to pay the charges.

The lien shall be subordinate to the lien of any first Mortgage, and the sale or transfer of any Lot pursuant to judicial or non-judicial foreclosure of a first Mortgage shall extinguish the lien of the charge as to payments, which became due prior to the sale or transfer. No sale or transfer shall relieve the Lot from lien rights for any charge thereafter becoming due.

Personal Liability of Owner

Each charge along with service charges and reasonable legal fees shall be the personal obligation of the person who was the Owner of the Lot at the time the charge was due. The personal obligation for delinquent charges shall pass to successors in title of a Lot unless expressly assumed by them.

No Owner may exempt themselves from personal liability for charges from the Association, nor release the Lot owned by themselves from the charges by abandonment of the Lot.

E. ARCHITECTURAL CONTROL

Architectural Review Committee (ARC)

The Committee shall consist of no less than three (3), or no more than five (5) members of the Association appointed by the Board of Directors.

No grading, excavation, alteration, addition, construction or reconstruction of any kind involving the visible exterior of any building on any Lot shall be commenced or maintained until the plans, specifications and samples describing the proposed work have been submitted to, and approved in writing by, the Architectural Review Committee. The Committee may not unreasonably withhold such approval. Persons submitting plans and specifications to the Committee must obtain a dated, written receipt for such plans and specifications and furnish the Committee with the address to which further communications from the Committee to the Applicant are to be directed.

Objective of the Committee

1. To assure that any construction on a Lot or any modification to an existing building is sensitive to its context and consistent with the design intentions underlying Alstonvale.
2. Work with Owners to achieve the stated objective.
3. Ensure that all plans and specifications submitted by Applicants meet the requirements of the Community Charter.
4. Make reasonable attempts to resolve cases of alleged violations through informal means.
5. Make reasonable attempts to resolve, through informal means, conflicts between Residents in cases where an adversarial relationship has arisen between Residents over alleged violations of the Community Charter.
6. Propose, to the Board, any necessary revisions to the Architectural Controls and Use Restrictions within the Community Charter.

Committee Approval

The Committee shall approve plans and specifications, taking into account the context and the design intentions of the Owner.

Approved Conditions

The Committee may condition its approval of the proposed changes, as it deems appropriate. The Committee may require such detail in plans and specifications submitted for its review as it deems proper, including, where applicable, site plans, drainage plans, details on driveway, fence, pool and samples of exterior materials and colours. The Committee may postpone review of any proposed construction until it receives all the needed plans, specifications and samples.

Notification

The Committee's decisions and the reasons for these decisions shall be transmitted by the Committee to the Applicant at the address set forth in the application no later than 30 days after receipt by the Committee of all required materials. Any application submitted shall be deemed approved, unless the Committee's written disapproval or a request for additional information is transmitted to the Applicant within 30 days after confirmation receipt by the Committee of all required materials.

No Liability

Neither the Committee, nor any of its members, nor their representatives, shall be liable to any Applicant or Owner for any loss, damage or injury arising out of or in any way connected with the performance of the Committee's duties, unless due to the wilful misconduct of the Committee.

Documents Required

A full set of exterior building drawings indicating roof, window and exterior wall treatment must be provided to the Committee for its approval.

Building Siting and Relation to Street

A significant portion of the footprint of a building on a Lot shall be on the same geometry as the front property line of that Lot. Furthermore, any building on a Lot shall present a front façade as well as a picturesque massing to the street. Accordingly, a site plan shall be submitted to the Committee for review.

Building Area and Form

1. Minimum habitable building area, excluding garage and basement, shall be 235 square metres (2,530 square feet). Building height shall conform to Town of Hudson regulations.
2. No building, including any accessory building, shall have a flat roof. Buildings shall have pitched roofs with a minimum slope of 7:12. Exceptions can be made by the Committee for “modern” style house.

Exterior Materials

1. Only stone or brick material specifically approved by the committee shall be used as exterior wall veneers. The side and rear facades of any structure shall be treated in a similar manner as its front facade. For example, if stone is used on the front facade of a structure, the same stone shall be used on the side and rear facades as well. Chimneys and gables shall be of stone or brick in keeping with the front façade or of the same material as used for the roofing. The Owner shall submit samples (150mm x 300mm (6inches x 12 inches) minimum) of all exterior materials for approval by the Committee if requested.
2. A maximum of 300mm (12 inches) of concrete foundation wall shall be visible above finish grade at any point along the exterior wall of any structure.
3. Only asphalt or metal roof shingles, slate and concrete roof tiles are permitted as roofing materials. Roof skylights shall be installed such that they are not visible from any public street. The Owner shall submit samples (150mm x 300mm (6inches x 12 inches) minimum) of all roofing materials for approval by the Committee if requested.

Exterior Colours

The exterior colours of any building shall harmonize with the existing houses. The Owner shall submit samples (150mm x 300mm (6inches x 12 inches) minimum) of all exterior colours for approval by the Committee if requested.

Window and Door Treatments

Ornamental door and window treatments consisting of materials other than stone or brick may be employed upon the approval of the Committee.

Fence

No fence shall be installed along the front property line of a Lot. Only ornamental type fencing can be used for the front of the property (chain-link fence cannot be used). Furthermore, no fence shall be installed along 10m (32 feet-10 inches) of the side property lines measured from the front property line. Any chain-link fence, used for the sides and back of the property, shall be of the vinyl coated type and shall either be black, brown or green in color, and be screened with landscaping. The maximum allowable height of any fence shall be 1.8m (6 feet).

Driveway

The maximum width of a driveway at the front property line shall be 5m (16 feet-5 inches). Driveway materials and design must be approved by the Committee and shall be constructed only of paving stones (pavé uni) or asphalt with a paving stone border. Alternatively, coloured pebble stone with a paving stone border can also be used.

Retaining walls shall be of natural stone or Unistone.

Garages

The vehicular entrance to an attached or detached garage shall be perpendicular to the main facade of the house. Adequate measures shall be taken to conceal the garage doors from view from any public street. The colour of the garage doors shall integrate with the colour of the exterior veneer of the garage structure.

Lot size, house placement, topography, natural obstructions, aesthetic or environmental considerations may require that a detached garage have doors parallel to the façade of the house. If this is the case, the setback of the detached garage shall be a minimum of 2 m (78 inches) from the rear façade of the house. Furthermore, a detached garage shall have similar roof pitch, roof tiles, exterior cladding and door and window treatments as the main house.

A detached garage shall not be higher than the main house. An attached or detached garage shall not present a large expanse of blank wall to any street. A reasonable design effort shall be made to give interest to such walls with windows or other architectural elements.

Accessory Buildings

An accessory building shall be set back a minimum of 5m (16 feet 5 inches) from the main facade of the house. Furthermore, an accessory building shall have similar roof pitch, roof tiles, exterior cladding and door and window treatments as the main house unless they

are completely invisible from the road.

An accessory building shall not be more than 1 storey or 6m (19 feet8 inches) in height and it shall not be higher than the main house.

Swimming Pools

An in-ground swimming pool may only be installed in the rear yard of a Lot. Adequate measures shall be taken to conceal such installations from view from any public street or any Lot within Alstonvale.

Equipment

Any equipment to be installed on the exterior portion of a Lot, e.g. propane tanks, air conditioning units, etc., shall be installed contiguous to the rear or sides of the main structure and within the buildable area of the Lot, or adequate measures shall be taken to conceal such equipment from view from any street or from any other Lot within Alstonvale.

Variances

The Committee may authorize variances from compliance with any of the architectural provisions described above when circumstances such as topography, natural obstructions, aesthetic or environmental considerations may require. The granting of such a variance shall not operate to waive any of the terms and provisions in this document for any purpose except as to the particular property and particular provision covered by the variance, nor shall it affect in any way the Owner's obligation to comply with all laws and regulations of any governmental authority affecting the use of his Lot, including, but not limited to, zoning and building requirements of any governmental agency or entity having jurisdiction over the Lot.

F. USE RESTRICTIONS

No animals, fowl, poultry, or insects of any kind ("Animals") shall be raised, bred or kept on any Lot, except that a reasonable number of birds, dogs, cats or other household pets may be kept, if they are not kept, bred or maintained for any commercial purpose, nor in unreasonable quantities nor in violation of any applicable law or ordinance. No animal shall be maintained in any Lot, which constitutes a nuisance to other Owners of Lots in Alstonvale. Animals belonging to Owners, occupants or their licensees, tenants or invitees must be either kept within the enclosure, an enclosed yard, an electronic fence, or on a leash or bridle being held by a person capable of controlling the animal. Furthermore, to the extent permitted by law, any Owner shall be liable to each and all Owners, their families, guests, tenants and invitees, for any unreasonable noise or damage to person or property caused by any animals brought or kept in Alstonvale by an Owner or by members of his family, his tenants or his guests; and it shall be the duty and responsibility of each

Owner to clean up after such animals which have used any portion of Alstonvale.

Antennae and Satellite Dish

A satellite dish may only be installed on the rear wall of a building provided that the diameter of the dish does not exceed 450mm (18 inches). Adequate measures shall be taken to conceal an installed satellite dish from view from any street.

Carports

No carport, plastic “tempo” or similar shelter for a vehicle shall be erected on any portion of a Lot.

Drainage

There shall be no interference with the established drainage pattern over any Lot so as to affect any other portion of Alstonvale, unless an adequate alternative provision is made for proper drainage, and it is in accordance with all applicable governmental codes and ordinances. For the purpose hereof, “established drainage” is defined as the drainage which exists at the time of the overall grading and landscaping of Alstonvale pursuant to grading plans approved by the Town of Hudson, Quebec.

Exterior Maintenance and Repair: Owner's Obligations

No building on a Lot shall be permitted to fall into disrepair, and the Owner thereof shall always keep each building in good condition and repair.

Fires

As per the Hudson By-Laws, open-air fires are permitted, without a permit, if it’s surface area does not exceed 1 square meter in area, and are located at the rear of individual properties (i.e., not near the street).

Landscaping

Within nine months after the earliest of a substantial completion of the exterior of the house or the issuance of a certificate of occupancy for a residence constructed on a Lot, the Owner shall install and thereafter maintain driveway, lawns, plants, shrubs, trees and any other appropriate landscaping improvements, pursuant to plans and specifications approved by the Committee. Each Owner shall properly maintain and periodically replace, when necessary, all trees, plants, grass, vegetation and other landscaping improvements located on the Owner’s Lot which includes the area between the property line and the edge of the pavement on the Town road.

Should the property deteriorate to become unsafe or unsightly, the Committee, upon 30 days’ prior written notice to the Owner, shall have the right to intervene.

Mining and Drilling

The surface of a Lot shall not be used for the purpose of mining, quarrying, drilling, boring

or exploring for or removing water, oil, gas or other hydrocarbons, minerals, rocks, stones, gravel or earth, nor shall oil wells, tanks, tunnels, minerals or shafts be permitted upon the surface of any portion of a Lot.

Empty Lots

Empty Lots shall not be used as dump sites by their Owners or Residents.

Newspaper Box

No newspaper box shall be erected on any portion of a Lot such that it is visible from any street or from any other Lot within Alstonvale.

Nuisances

No rubbish or debris of any kind shall be placed or permitted to accumulate anywhere within a Lot, and no odour shall be permitted to arise therefrom so as to render the Lot or any portion of it unsanitary, unsightly or offensive from any street or to any resident of adjoining Lots. No noise or other nuisance shall be permitted to exist or operate upon any portion of a Lot so as to diminish or disturb normal enjoyment of the other Owners, occupants or lessees. Without limiting the generality of any of the foregoing provisions, no exterior speakers, horns, whistles, bells or other sound devices (other than security devices used exclusively for security purposes), noisy or smoky vehicles, unlicensed off-road motor vehicles or other items which may unreasonably disturb other Owners, or their tenants shall be located, used or placed on any Lot. No vehicles may be operated upon any portion of Alstonvale not approved as street, driveway or parking area. Alarm devices used exclusively to protect the security of a residence and its contents shall be permitted, provided that such devices do not produce annoying sounds or conditions as a result of frequently occurring false alarms. No motorized equipment for cutting or trimming grass, trees, leaf blowing etc. may be used on Sundays or any time after 16:00 hrs.

Oil Tank

No exterior heating oil tank shall be permitted.

Parking and Vehicular Restrictions

No prohibited vehicles may be parked, stored, or kept on any street or visible area within Alstonvale. This includes commercial vehicles, recreational vehicles, trailers, boats, aircraft, inoperable vehicles, and any vehicle considered a nuisance. Such vehicles may only be kept inside a fully enclosed garage with the door closed. Temporary parking for loading, unloading, deliveries, or emergency repairs is permitted for up to 48 hours within any seven-day period. Vehicle repairs are only permitted inside enclosed garages and must not create a nuisance or operate as a business. All activities must comply with applicable by-laws of the Town of Hudson, including By-law No. 743-2021 concerning parking regulations.

Residential Area Construction

No Lot shall be constructed except with one residence designed to accommodate no more than a single family and its servants and occasional guests, plus a garage and other constructions as are necessary or customarily incident to a single-family residence. Subject to applicable requirements of any governmental agency or entity having jurisdiction over the Lot, no projections of any type shall be placed or permitted to remain above the roof of any building within the Lot, except chimneys, vent stacks, pediments and similar architectural features. No wiring or air conditioning fixture, water softeners or other devices shall be installed on the exterior of a residence or be allowed to protrude through the walls or roof of the residence (except for those items installed during the original construction of the residence).

Residential Use

All Lots within Alstonvale shall be used solely for single-family residential use. This provision shall not preclude any Owner from renting or leasing his Lot by means of a written lease. Only one lease shall be permitted in any one-year period. No Lot shall be used for any business, commercial, manufacturing, mercantile, storage, vending or other non-residential purposes. The provisions of this Section shall not preclude professional or administrative occupancies without external evidence thereof, for so long as such occupations, (1) are conducted in conformance with all applicable governmental ordinances, (2) are merely incidental to the use of the Lot as a residence, and (3) the patrons or clientele of such professional or administrative occupations do not regularly visit or conduct business on the Lot.

Signs

No sign, poster, billboard, balloon or other display or advertising device of any kind shall be displayed on, over or from any portion of Alstonvale, except (1) such signs (regardless of size or configuration) as may be used for the sale, lease or other disposition thereof, (2) entry monuments and similar community identification signs, and (3) one sign which may be displayed on each Lot advertising the Lot for sale or lease; provided that such for sale or lease signs (a) shall not be larger than 450mm x 900mm (18" x 36") in size; (b) shall not be attached to the ground by means other than a conventional single vertical stake which shall not exceed 50mm x 75mm (2" x 3") in dimension (i.e. posts, pillars, frames or similar arrangements are prohibited); (c) shall not exceed 900mm (35") in height above the ground level and (d) shall be professionally produced and contain no hand written letters.

The forgoing excludes any reasonably sized address or nameplate, which may be installed at the entrance to a Lot or on a dwelling structure.

Social event

Large social events such as weddings, birthday parties etc. may be held in the development provided they are held on an infrequent basis and provided the concerns of

the neighbours such as noise, parking, litter etc. are respected.

Swimming Pools – Above Ground

No aboveground swimming pool shall be erected on any portion of a Lot.

Temporary and Prefabricated Structures

No tent, shack, trailer or any temporary building, or structure shall be placed on any portion of a Lot unless it is for a reasonably brief period of time.

The foregoing excludes construction trailers and other temporary or prefabricated structures utilized during construction and sales activities. Also excluded are children's play structures that are not visible from any public street.

Trash

Refuse, garbage and trash shall be kept at all times in the containers provided by the Town (i.e., oil drums or similar substitutes for commercially designed refuse receptacles are prohibited). Furthermore, trash containers shall be located within an enclosed area or areas appropriately screened from view from any other Lot or street within Alstonvale. Such containers shall be exposed to the view of neighbouring Lots only when set out for a reasonable period of time. No curbside trash enclosure shall be permitted.

Unsightly Articles

No unsightly articles, including clotheslines, shall be permitted to remain on any Lot if they are visible from any street or from any other Lot within Alstonvale.

Water Systems

No individual water supply system or sewage disposal system shall be permitted on a Lot unless they are approved by the Town.

G. COMPLAINTS / CONCERNS

If the matter concerns another Owner within Alstonvale, the complainant is encouraged to address his concerns directly with the individual involved, making a sincere effort to resolve the issue. Should attempts to find a resolution prove unsuccessful and the offending Owner is found to be in violation of a Town bylaw, the complainant should file a formal complaint with the Town authorities. If all attempts at resolution fail, the complainant may bring the issue to the attention of the Board of Directors of the ARA.

H. AMENDMENTS TO THIS CHARTER

Owners have the right to propose changes to this charter and to do so by adhering to the following procedure:

1. The Owner must provide a written and signed notice of their proposed change to the Secretary of the ARA at least twenty-one (21) days prior to an Annual General Meeting or a Special General Meeting. As per the Quebec Business Corporations Act no Owner may present more than 5 proposed changes at any meeting.
2. The Secretary shall send the Owner a written confirmation of receipt of their proposed change.
3. The Secretary shall mail a copy of the proposed change to the Members of the ARA at least fourteen (14) days before the date fixed for the meeting.
4. At said meeting, the proposal shall be discussed and, if approved by the majority of the Owners present, shall be acted upon.
5. The Board shall notify the Owner, in writing, once a decision has been reached

I. Appendix A: Items to be submitted for Committee Approval

Applicants submitting plans, specifications and samples to the Committee must obtain a dated, written receipt. They must also furnish the Committee with the email address to which further communications from the Committee to the Applicant are to be directed.

The Applicant shall submit the following items:

Site Plan

The site plan shall indicate the footprint of the proposed construction and, where applicable, specifications such as the pool's positioning, the driveway's path and materials, as well as details on the location and construction of any accessory buildings, fences, and retaining walls.

Exterior Elevations

The exterior elevations shall clearly indicate and specify, for all the elevations of a proposed construction, all exterior materials and treatments.

Roof Details

Information on the roof shall indicate all roof slopes and shall specify all roofing materials.

Exterior Material Samples

Samples shall be submitted of all proposed exterior veneers, all roofing materials as well as all colours.