

FAQ – Supplement 2/17/2020

This is in addition to the FAQ received in December with the draft Masthope Mountain Community (MMC) Amended and Restated Declaration of Covenants, Easements and Restrictions. The Board of Directors have included this page to address some of the concerns Masthope Members have recently expressed in emails or online posts regarding the draft. This FAQ Supplement will be posted on Masthope's web site.

Why am I being asked to give an Irrevocable Consent for the amended Covenants?

Irrevocable Consent is a legal term. When we make a selection in an election, such as for the Board or for someone who holds a public office, it is called a vote, but essentially it is the same for a real estate issue. We are making a decision and cannot take it back. When we accepted our Lot deeds, we gave an irrevocable consent or promise to comply with the Covenants currently in force. Further amendments are possible in the future, but until that time our decision is irrevocable.

Am I giving up any of my rights by voting to approve the amended Covenants?

We will not be surrendering any rights, merely choosing to allow this document to consolidate and update the previous versions, Masthope Rapids (created 1974) and Falling Waters (1978). Both versions were used in creating the draft that needs our consent. Some language is identical to one or both previous versions. Only the Falling Waters version was posted on Masthope's website. This was an oversight on our part. We will have both versions available on the property owner page for review.

Why am I only hearing about the Covenants now?

It is not the first time. When someone becomes an owner in Masthope, they are agreeing to abide by the community's governing documents that regulate the way that we conduct our affairs in our community. When we became owners, we were provided copies of the governing documents.

Some of the parameters set forth in the Covenants seem very restrictive, such as the number of pets that are allowed in each household, why is that?

Many restrictive rules were copied directly from one or both previous Covenant versions which already apply here. Some rules are less restrictive in the draft. The goal was, with input from members, for the Document Review Committee and Board of Directors to agree on the kind of community we all want for Masthope and what are the best policies to create and maintain that kind of community.

The voting process is confusing, can you possibly have a voting period that never ends?

According to the applicable laws of the State of Pennsylvania that regulate communities, such as Masthope, whenever the governing Covenants are amended, the new document must be approved by the owners of 2/3 of the lots. There is no time limit for the approval to be completed or voting period that expires. Therefore, the community will continue to collect the votes as an open-ended process.

How will the adoption of the draft Amended and Restated Declaration of Covenants, Easements and Restrictions affect my life at Masthope?

There will be no noticeable changes to daily life in our community. Going forward, we'll have an updated Declaration that reflects both changes in state law and the evolution of our community and provides a strategic guideline for future growth.

Who is permitted to use Westcolang Lake?

Answer: All property owners in MMC, Fawn Lake Forest, and Westcolang Village now share use of the surface of the entire lake.

Who owns the bed of Westcolang Lake? Is it part of MMC?

Answer: Most of the lakebed is owned by Fawn Lake Forest Association and is not part of MMC. MMCPOC does own a small part of the lakebed and lake frontage. Other parts of the lakebed are also owned privately by others. Lakebed owners have control over the portions of the lake they own unless they have agreed otherwise, as is the case for this shared-use lake. MMCPOC is itself a member of Westcolang Lake Association (WLA), which was formed to coordinate matters relating to the lake.

Why is ownership of the bed of the lake important?

Answer: Just like owning dry land, the owner of a part of the lake bottom is responsible for getting any required permits, proper installation of any structures and all maintenance issues for the area of the lake it owns. The owners of this lake have agreed to shared use of the entire lake surface among the three communities, and to have each community administer lake-related matters in their respective neighborhoods.

Section 6.24 of the new Declaration addresses MMC waterfront and lake issues. Is this new language?

Answer: No, the language came from the original developer's documents. Some restrictions have been copied directly from one or both previous Covenant versions. Most of Section 6.24 comes from 1974 declarations filed by the developer of MMC but has not caused problems.

Does Section 6.24 add or change any legal standards governing the lake?

Answer: No, it really does not. MMCPOC does own a small area of lakebed, plus it controls lake-related operations and maintenance of property near and along the lakeshore. Through WLA, it coordinates lake use and water safety issues with the two other associations that also use the lake. It coordinates with lakefront lot owners about what should happen in MMC's maintenance easement along the lakeshore. That lakeshore maintenance easement was created by the original developer years ago, too.

Can waterfront lot owners continue to contract for private weed control in certain parts of the lake? If so, how?

Answer: Yes, they should be able to do so. Such contracts do fall within the 1974 language which is repeated in Section 6.24 of the new Declaration, so MMCPOC will continue to coordinate and monitor such private weed control contracts. Lot owners who wish to contract privately for weed control services must contact MMCPOC beforehand to verify that their contractors are fully licensed and have all required permits. Federal and Pennsylvania laws protecting lakes and streams provide highest level governance. Their laws and regulations must be followed in addition to our local shared lake usage agreements.

Where did the 15 foot length limitation for docks come from?

Answer: This requirement was created in a 1974 declaration filed by the developer.

Where did the 1,066' first floor elevation for residences come from?

Answer: This requirement was also created in a 1974 declaration filed by the developer. It addresses safety concerns related to flooding.

Who controls whether there are lake drawdowns and who must get notice?

Answer: Dams are regulated by the Pennsylvania Department of Environmental Protection's Dam Safety division. Before lowering the lake level, the owner of the dam needs to get a permit from the state. When the owner applies for a drawdown permit, it must also give required notices to affected property owners. MMCPOC does not own the dam for the lake, but the lake is an amenity used by members of three communities. Through WLA, MMCPOC can plan for and coordinate the proper operation and maintenance of the dam and other lake-related facilities in compliance with state regulations.

If I have any questions regarding the Declaration or the voting process, who may I contact?

Please direct any questions to: boardpresident@masthope.org