



# Saving Our Pollinator Garden

There's something rotten in Beech Creek, where the HOA board spends thousands of dollars of community money to attack a butterfly garden.

An Eastern tiger swallowtail butterfly fuels up on an echinacea flower in our garden (above). A hummingbird finds nectar in a deck pot filled with zinnias (below). In bullying letters and in court documents, the HOA's lawyer writes that gardens with plants that help birds, butterflies and other pollinators don't belong in our community. See [page 6](#) for more details.



Our family has lived in Beech Creek for over 20 years and has had a garden from the very beginning. We have lovingly cared for it not only for ourselves but also for the greater community. As a therapist, my husband devotes his life's work to helping people going through difficult times, including veterans, teachers, doctors, and many other people—young and old—from all over the community. As a gardener, he also contributes to community well-being by maintaining an eco-friendly landscape; such spaces are scientifically proven to have positive health benefits.

While numerous neighbors and visitors to the community comment on the pleasure the garden provides—with some going out of their way to walk by—one lone neighbor secretly launched a campaign to eradicate this butterfly oasis. Though he complains that looking at our flowers raises his blood pressure, research shows that living in a neighborhood dense with trees and other plants can have the opposite effect: One recent study in the *Journal of the American Heart Association* linked such communities with reduced risk of heart attack, stroke and other cardiovascular events.

As reported previously, our family has suffered because of the actions of this single neighbor and the support he has received from the Beech Creek HOA board. Since my last update, I've learned more about how board decision making will directly impact HOA fees.

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In spring, our mixed garden of native plants, annuals, and ornamental species lights up the neighborhood, where passersby stop to admire what's in bloom. The HOA has demanded that we convert the whole garden to turf grass and falsely states that we have no grass or defined beds. As this photo shows, grass paths define edged beds in our yard.

I've also learned how these fees and legal expenses compare to those assessed in a similarly situated community. The dramatic difference in legal fees calls into question fiscal decisions made by the Beech Creek board in recent years.

### **The Unfolding Story: Lawsuit and Countersuit**

Out of nowhere, in September 2017, the board began sending our family increasingly threatening letters. We didn't find out until the summer of 2018 that these letters were based on the complaint of the single neighbor. After nearly two years of constant anxiety and living under the threat of having our yard destroyed, we

filed suit against the Beech Creek HOA in August 2019. We did not do this lightly; we only took this course of action when the board demanded that we destroy our garden, which it had deemed acceptable for 18 years, and replace it with turf grass. After I raised questions at the November 2019 board meeting about the amount spent on legal fees over the years, the HOA countersued, raising community legal fees even further.

Last month, we received documents from the HOA related to our lawsuit and were stunned to see records showing a history of communication between the single complainant and the HOA lawyer and

property manager. In this side-channel communication, the complainant secretly made false statements about us and our garden in ways that were allowed to go unchallenged due to the nature of the way this HOA conducts business.

Though the complainant seemed to have free access to the lawyer and to board members, we were frozen out of any communication from the beginning—even after a September 2018 hearing that concluded with the board president suggesting we meet again to resolve the situation amicably. When I reached out repeatedly after the meeting to set up that group discussion, I received no response.

In my opinion, since the HOA board members refused to speak to us despite my many pleas that they do so, and only listened to a neighbor who was providing false information about us, this process has been fundamentally flawed and doesn't bode well for community disputes in the future. We learned only last month that this lone complainant began filing complaints anonymously in 2012, even though he had never once approached us about any concerns. The board never contacted us either until the complainant began identifying himself five years later,

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## Fact Check: Myth vs. Reality

In letters and statements over the past two years, the hired lawyer for the Beech Creek HOA has made numerous inaccurate statements about gardens in general, our garden specifically, and local flora and fauna endemic to our community. Here are a few highlights:

### **INEXPLICABLE HOA**

**STATEMENT:** “Neighbors have explained that numerous squirrels are being attracted to the subject property. The neighbor [sic] fear this will affect their property.”

**REALITY:** Squirrels are tree dwellers. They nest in trees and eat the seeds, fruits and buds of trees. They are endemic to our community and to any place where trees are planted. They would be present here with or without our garden. The single complaining neighbor, in fact, has a Japanese maple—which provides squirrel habitat, as do the forested park behind our properties and the oak-lined streets maintained by the Beech Creek HOA.



Squirrels rely on trees, so our entire neighborhood is prime squirrel habitat. Though we are happy to see squirrels in the community, they'd be here with or without our garden.



### **INEXPLICABLE HOA**

**STATEMENT:** “Wild plants,” “unapproved plants,” “unruly plants”—these are some of the vague labels used to describe the species we have included in our garden.

**REALITY:** All of the species are cultivated plants, purchased at local nurseries and planted in public and private spaces all over Columbia and Howard County. They include both native plants and nonnative plants. There is nothing in the bylaws that denotes or defines “unapproved,” “unruly,” or “wild” plants.

No HOA documents prohibit the planting of any of the species in our yard, and all are widely available at nurseries. Joe Pye (*Eutrochium purpureum*) is especially popular because of its high value to butterflies, including monarchs, a species threatened by habitat loss that children in Howard County Public Schools are working to help.



Bee balm (*Monarda didyma*) and butterflyflower (*Asclepias tuberosa*) grow back each year, just like most plants, including turfgrass.

**INEXPLICABLE HOA STATEMENT:**

“Plants that grow back every year”—oddly, the HOA lawyer has used this phrase repeatedly to try to negatively characterize our garden.

**REALITY:**

Most plants grow back every year. We join neighbors throughout the community in planting seasonal annuals each spring in addition to maintaining plants that “grow back every year”—a broad category that not only includes trees, shrubs, and perennial flowers but also turf grass lawns.

**INEXPLICABLE HOA STATEMENT:** In one of his anonymous emails to the HOA, the lone complainant stated that we want to build “a water-filled moat in their front yard.”

**REALITY:** Our front yard contains no pond or water feature, much less a moat. In numerous false statements like this one, the complainant has repeatedly attempted to portray us as harboring bizarre intentions. In reality, the complainant’s yard can be seen filling with water during and after rainstorms.

While the plantings in our yard filter and slow stormwater—in keeping with Bay-friendly guidelines recommended by county, state and federal governments—the complainant’s eroding turf grass yard threatens to pollute the watershed.



A study in contrasts: Water in the complainant’s bare yard rushes down into protected parkland behind us, carrying soil and pollutants with it (top right), while our plantings include perennials, ferns, sedges, violets and other groundcovers that hold soil and slow erosion (bottom right). The front yard of the single complainant, seen just beyond our garden (bottom left), is covered in blue-tinged soil that ponds during rainstorms.



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sometimes using a work email address with a “deputy inspector general” title in his signature. At best, this seems to us to be an inappropriate use of a quasi-governmental agency’s email; at worst, it appears to be an intimidation tactic to get the Beech Creek HOA to do the single complainant’s bidding.

### **Skyrocketing Attorney Fees**

Our experience has also illuminated a troubling matter related to Beech Creek finances, particularly with regard to legal matters over the last several years. By early November, the HOA board had spent in excess of \$85,000 on legal fees since 2011. As this seemed quite high to us, we checked with a similarly situated local HOA for comparison. The community has about 20 more homes with slightly higher property values. They contract for the same services as Beech Creek, yet each homeowner pays approximately \$200 less a year in fees. Interestingly, the other community’s budget for legal fees is only \$2,000 per year, and over the last few years, they have not spent that much. By contrast, on average, Beech Creek pays at least four times that amount, giving the contracted firm a minimum of

\$400 a month—which amounts to \$4,800 a year—and the charges only go up from there. In addition, they’ve spent many thousands more pursuing the destruction of our garden.

Even more concerning, they’ve done so without community involvement or discussion. The Beech Creek HOA has been meeting for years not only outside the community but outside the county, making it difficult for homeowners to attend. It was only after we

Since 2012, the HOA ignored these complaints. But then the board and their attorney suddenly decided to spend everyone’s money fighting the issue and making destruction of our pollinator garden a financial priority.

cited this in our lawsuit as a violation of the covenants that the venue changed; starting in February, meetings will be held in the Howard County offices of the Beech Creek HOA’s contracted law firm.

### **A Contrived Case**

It wasn’t just the community at large that was kept in the dark about this situation. So were we. Can you imagine if your neighbor filed anonymous complaints about you for years without ever speaking to you about them? Since 2012, the HOA ignored these complaints.

But then the board and their attorney suddenly decided to spend everyone’s money fighting the issue and making destruction of our pollinator garden a financial priority.

We’ll continue in court to protect our property rights and those of our neighbors. In my opinion, if the board had worked with us to help us understand the neighbor’s complaints, we could have had a neighborly conversation rather than bullying letters and

litigation. Why did the Beech Creek HOA wait 18 years to say anything to us about our garden? Instead of explaining any justifiable position, they simply demand that our yard be all turfgrass—a

demand that seems to derive from the emails of the single complainant. This extreme position is inconsistent with best landscaping practices and with many other yards in the community.

It takes only one neighbor to complain, but it takes all of us to work together to create a beautiful, sustainable place to live. Thank you for your kind words and support. We cherish the sense of community we’ve felt during this difficult process.

—Janet Crouch

## Bee-Unfriendly?

Did you see this logo in the Beech Creek HOA newsletter, alongside an announcement about Howard County's decision to join Bee City USA? Although it appeared to be a seal of approval for this campaign to help our beleaguered pollinators, the Beech Creek HOA is in fact taking action against efforts to save the bees—by attempting to destroy a model pollinator garden.



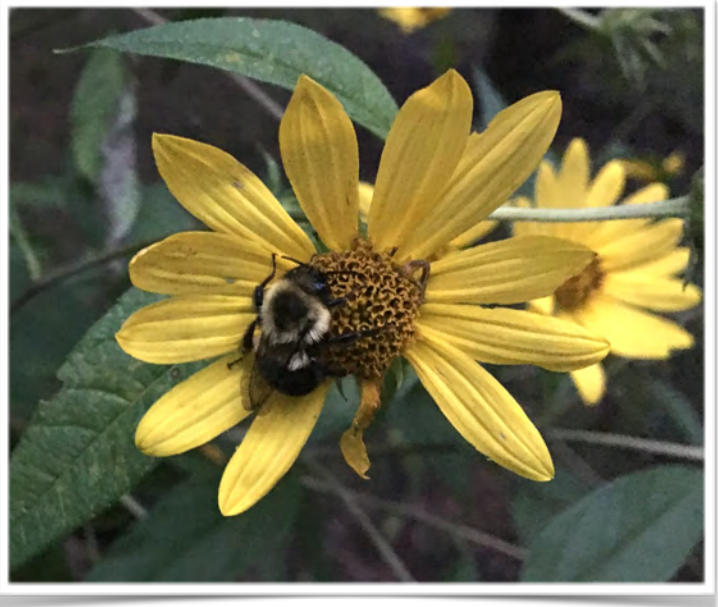
According to the guidelines of Bee City USA, a designation awarded to Howard County and other local governments nationwide, bee-friendly landscapes have “mostly native wildflowers, grasses, vines, shrubs and trees blooming in succession throughout the growing season to provide diverse and abundant nectar and pollen.” These gardens are also “free to nearly free of pesticides.”

While Howard County understands the importance of protecting pollinator habitat, the Beech Creek HOA actively fights it—and spends your money to do so. In a series of bullying and nonsensical letters, the Beech Creek HOA's contracted law firm writes disparagingly of our “environmentally sensitive agenda.” Further, they write that “a ‘garden’ without the use of pesticides in which they have maintained ‘native plants’ to provide food for birds, bees, and other insects and animals” is “completely contrary” to a design scheme that calls for “manicured yards and green grass for lawns”—even though no such requirements exist in the bylaws.

The HOA lawyers have further stated that plants intended to filter stormwater runoff and help wildlife, including nesting birds, are “a source of annoyance.” Never mind that birds, like our pollinators, are also in crisis, largely due to habitat loss. And never mind that properties all along Beech Creek Drive are adjacent to protected parkland that harbors abundant animal life that will always be a part of our whole community.

“All of our parks are inhabited by a wildlife such as deer, snakes, fish, rabbits, insects and birds,” note county leaders on the official Howard County web page for Cedar Lane Park. “Please do not disturb them; remember, this is their home.”

It's too bad the Beech Creek HOA has no interest in joining the county in protecting the space we all call home.



This woodland sunflower is among many plants in our garden that help bumblebees and other pollinators. Howard County recently became Maryland's first Bee City, but our HOA leaders ignore that call to action.



## *Double Standard: No Signs Allowed, Unless They Say “Keep Off”*



Not very welcoming: Signs are allowed in yards that pose dangers to children, pets and people (above right). But signs indicating the opposite—a healthy, safe yard for birds, butterflies and people—resulted in a violation notice (left).

After receiving the first threatening letter from the Beech Creek HOA attorney, we installed signs on a post less than two feet tall to explain one of the reasons for our environmentally sustainable plantings. This is a practice endorsed by public and private landscaping programs around the country, including in Howard County, as it helps provide context for neighbors who are curious about pollinator gardens. But the Beech Creek HOA attorney tried to use these signs against us, saying that no signs are allowed. If that’s really the case, why have we seen garden flags, banners, and most ironically of all, pesticide application signs posted in front of other homes?

The signs we posted were so low and inconspicuous, you can hardly see them in this photo.



*If you have any questions, comments, or interest in touring our garden, please contact me at [j.crouch1@verizon.net](mailto:j.crouch1@verizon.net).*