

Port Anne Owners Association Common Land Guide

Effective Date: December 10, 2020

Introduction

Port Anne's commonly-owned land is a natural resource which directly impacts the value of our homes and our quality of life. The intent is to manage common land in a way that enhances our interdependency and preserves the ecosystem, and complies with all local, state and national legislation as well as established soil, vegetation and water management practices. Successful stewardship requires your cooperation and that of all Port Anne homeowners.

Chesapeake Bay Resource Protection Designations

Most of Port Anne lies within a Chesapeake Bay Resource Protection Area (RPA) or Resource Management Area (RMA). These designations encompass community wetlands, perennial streams and vegetated buffers. Their purpose is to improve the water quality of the Chesapeake Bay and its tributaries. Consequently, Port Anne Owners Association and its property owners must comply with all government regulations regarding these lands. These regulations are locally administered by the City of Williamsburg. Violators are subject to significant fines and penalties.

Port Anne Common Land Description

Common land includes:

- all of the shoreline within Port Anne (no private land extends to the shoreline);
- trees, shrubbery, and other ground cover located on common land;
- ravines;
- much of the land between William Way and the City of Williamsburg property along South Henry Street;
- strips of land separating adjacent rows of lots (no two private lots back up to each other);
- access strips between the paved streets and the ravines;
- storm water outflow system from the gutter drain boxes through underground distribution systems to the shoreline outflows into College Creek;
- grassed off-street parking areas, their timbers, and guardrails;
- brick entrance walls with brass signs;
- brick paving and landscaped median at the Port Anne entrance;
- irrigation system and landscape uplighting at the entrance and around the Clubhouse.

Common Land Committee (CLC)

The Port Anne Board of Directors established the Common Land Committee (CLC) to assist with maintenance, upkeep, and stewardship of Port Anne's common land as well as to plan for resource management.

No Changes without Permission

The Port Anne common land is a resource owned by the community Association. Consequently, individual homeowners may not make any changes to its vegetation or surface features, as they protect the watershed of College Creek. This policy includes any trimming or removal of trees or other vegetation. Any request for work performed by the Association on its common land must be submitted for consideration on a Common Land Work Request Form (attached).

If there is any question as to whether a tree or other vegetation is on common land, the homeowner must contact the CLC.

Planting

Homeowners are not allowed to plant on common land.

Other Use Restrictions

The following are also prohibited on common land:

- Any dumping, including lawn clippings, leaves or vegetation trimmings;
- Positioning of any personal property, including firewood;
- Fires;
- Use of vehicles;
- Digging or excavating.

Tree Work

Homeowners concerned about damaged, leaning, or diseased trees on common land need to contact the CLC, which will evaluate the situation and determine if remedial action is required to preserve the buffer or prevent personal injury or property damage. The CLC may seek the advice of a certified arborist. Note: only an arborist can evaluate the condition of a tree on common land and his services have to be requested by the Association – a landscaping company's recommendation is not a basis for undertaking tree work. The previously-mentioned form is used for tree requests.

Since the vast majority of Port Anne lies within an RPA or RMA, approval from the City of Williamsburg's Chesapeake Bay Administrator is usually required before any downing, trimming or removal of vegetation, whether on common land or private property. For common land, only the CLC and Board are authorized to request the Administrator's permission on behalf of the Association. If a tree is bisected by a property line, the CLC will work out a cost-sharing arrangement with the homeowner.

Besides approval from the City, the cost of taking down a tree may require a competitive contractor selection process involving the property manager, CLC, and Board. Upon contract

award, the property manager will coordinate the contractor's schedule with the homeowner and the CLC, so that a member of the CLC or Board is on-site to represent the Association. Certain areas of common land will necessitate access through the homeowner's lot.

Removal of Vegetation Debris

Each action to take down a tree will consider the disposition of debris. Typically, limbs and debris are stacked in a neat pile near the trunk or moved deeper into the common land, whichever is more appropriate for preserving ground vegetation and preventing erosion.

If the tree is located near a community street or the common land is too narrow to accommodate the debris, the CLC may recommend debris removal at the Association's expense, subject of course to authorization from the Chesapeake Bay Administrator.

In cases where the Association declines to pay for the removal of debris, homeowners may be offered the opportunity to do so at their own expense, again subject to written approvals from the Association and the Chesapeake Bay Administrator, and with oversight by the Association.

Erosion Control

Erosion control is critical and a joint responsibility of the Association and homeowners. House gutter discharge and other water runoff from private property onto common land must not cause erosion. Note: Article III, Section 3 of Port Anne's Declaration of Covenants covers the remedies available in the event of damage or destruction of common areas.

Any homeowner concerned about water flows or erosion on common land should report those concerns to the CLC for investigation. The CLC also performs periodic reviews of erosion on common land and will collaborate with the local Chesapeake Bay Preservation Authority to address remediation.

Useful References (click on hyperlinks)

Williamsburg Code, Chapter 21 – Zoning, Article VIII – “Chesapeake Bay Preservation”

https://library.municode.com/va/williamsburg/codes/code_of_ordinances?nodeId=PTIITHCO_CH21ZO_ARTVIIIICHBAPR

Williamsburg Code, Section 21-614. – “Tree Regulations”

https://library.municode.com/va/williamsburg/codes/code_of_ordinances?nodeId=PTIITHCO_CH21ZO_ARTIVSUDIRE_S21-614TRRE

Common Land Work Request Form

Used to request remediation or takedown of a damaged or dead tree. An image can be attached. Send to CLC chair. The CLC is responsible for all coordination with the City of Williamsburg.

Property Owner(s) (printed): _____

Address: _____ Lot Number: _____

Phone: _____ Email: _____

Description: _____

Signature(s): _____ Date: _____

Common Land Committee Use Only

Date received: _____ Date of Site Visit: _____

Committee Comments: _____

Approved: ___ Denied: ___ Date _____

Committee Chair