

## **Resolution In Support of Corrotoman Extended Project**

Whereas, the Board of Directors (“the “Board”) of the Corrotoman-By-The-Bay Association (the “Association”) became aware of an erosion issue near Corrotoman Drive Extended;

The Board determined that it needed to be addressed;

Therefore the Board solicited a proposal from Bay Design Group to do an assessment and recommend a plan for erosion control;

That plan was received, reviewed and forwarded by the Board to the affected property owners of Lots 1 through 6, requesting that they agree to implement a plan for erosion control on their property at their expense in order to prevent future damage or catastrophic failure of the Association-owned portion of Corrotoman Drive Extended.

After the 11 May 2019 Board meeting with Ben Burton of Bay Design Group (“BDG”), additional information concerning verbal guidance was provided to BDG for inclusion in their assessment and development of a plan for erosion control, specifically that they were directed to include the Association-owned lot # 7A “in order to ensure that the Association had skin in the game.” In addition, the fact that the requests for proposals to numerous vendors to implement the subject plan were overly prescriptive as to how their individual proposals would address the shoreline erosion concerns, rather than asking each vendor for their professional recommendation, resulted in the receipt of only two proposals which were costed out to be vastly different, indicating the lack of a competitive range of proposals.

. In addition, several homeowners and newly elected Board members objected to the notion of forcing property owners to use only the BDG plan.

Therefore, the Association authorized, coordinated and funded a second assessment and requested a plan for erosion control from Northern Neck Shoreline Evaluation Program (“NNSEP”). Two of the four affected home owners (who collectively own Lots 1 2 & 2A) opted out of participation in the second evaluation and two homeowners (who collectively own Lots 3A – 6A) joined with the Association’s evaluation of the Association-owned lot (Lot 7A).

That plan has been received and reviewed, and the plan provided additional data points and recommendations to the Board and the homeowners of lots 3A-6A. Specifically, the NNSEP did not identify the Association-owned lot as eminently needing shoreline erosion remediation as indicated by the statement, “There are some early signs of soil disturbance on the upper parts of the bank for Lots 5A & 6A but, none was observed on Lot 7A.” In addition, the NNSEP Evaluation also reviewed the currently permitted BDG Plan for Lots 1 2 & 2A and made the following recommendations, “From an environmental perspective the living shoreline is preferred. However, considering a more complex approval process, vulnerability of the access road and rising sea levels, the revetment may provide more long-term protection for the road and a more certain approval process. The key concern is the stability of the slope after vegetation removal. This needs to be assessed and managed carefully in the short and long-term.” “In particular before disturbing the slopes, soil borings and tests should be made by qualified soil

engineers to determine the near and long-term consequences of removing the current vegetation.”

The NNSEP Study has been forwarded to the property owners of Lots 3A-6A and they were originally given until 26 January to provide their proposed plan for shoreline remediation. However, because the data collected from the NNSEP study and the Title Search that was conducted for the Association, did not get returned until 25 November and 1 December 2019 respectively, an additional letter was forwarded to all affected property owners to extend the deadline for submission of final plans until 26 March 2020. The NNSEP Evaluation stated, with respect to Lot 7A: “There are some early signs of soil disturbance on the upper parts of the bank for Lots 5A & 6A but, none was observed on Lot 7A.” In light of that, there does not appear to be an eminent need to commence erosion remediation measures on Lot 7A and this will allow the Association to continue to monitor erosion on Lot 7A while reviewing the concurrent projects on Lots 1, & 2A-6A prior to determining the best course of action (if any) for Lot 7A.

The NNSEP plan differs from the BDG plan regarding the methods and scope of erosion control but both approaches appear acceptable. One or both evaluations can be used to inform requesting proposals from various vendors, and ultimately support affected homeowners’ choice of remediation plan.

The Board is recommending cooperation among the owners of Lots 1 through 6A in the implementation of this project.

Although the original letter to all affected homeowners dated 26 July 2019 stated that all affected homeowners needed to submit their final plans NLT 26 January 2020, the letter on 27 January 2020 has a 90 day extension, making final plans due NLT 26 March 2020; and then 180 days after submission of their plan for erosion remediation. they are requested to have completed the plan. Once that is done, the Board will decide what further action, if any, is needed.

The last meeting with all affected property owners was held on 7 March 2020. At that time, they all agreed to initiate some type of remediation efforts. Ms. Nix Owner of Lots 3A-4A and Mr. Ryan, owner of Lots 5A & 6A had submitted their plans for remediation and were working with Earth Resources and Ransomes to attain updated estimates. Although the plan for Lots 1 & 2A was already permitted the National Pandemic caused a delay in starting the previously permitted erosion remediation efforts and in attaining additional estimates on Lots 3A-6A. The Royers and Hamers (owners of Lots 1 and 2A) have signed a contract with Earth Resources for shoreline work to be completed in response to the board’s various letters and requirements. Earth Resources will start the work in early May, 2021 (they have selected this timing based off of the growing period for grasses that need to be planted on the refurbished bank). Ms. Nix property on Lots 3A-4A is currently on the market for sale. She has notified the potential buyer of the erosion issue.

The Board of Directors plans to continue monitor the erosion remediation progress along Corrotoman Extended and continue to encourage neighboring homeowners to coordinate transition area plans for erosion mitigation efforts. The Board is seeking estimates for repair of the drainage issue affecting the drainage and erosion on Lots 5A-6A and has identified that

repair in the current Fiscal Year Budget.

On Thursday, 1 October, 2020, the CBTB President, Deb Beutel; Treasurer, Lea Gallogly; and Roads & Grounds Committee Chair, Don Smith; along with Ms. Nix and Mr. Ryan, walked, measured from the utility poles in accordance with the CBTB Platt and marked with yellow tape the outer edge of the CBTB Association owned property along the side of the road facing the area with the erosion in question. It appears visible that the trees that are in most need of urgent removal are all located on behind the yellow tape, and therefore on property that is not owned by the Association but, rather on property owned by the owners of Lots 1, 2A, 3A, 4A, 5A and 6A.

It appears that all of the trees that were identified by both the Bay Design Group Study and the NNKSEP Study as requiring immediate removal in order to preserve the bank and the Association owned Road, are located on the private property of the affected homeowners as described above. Therefore, in order to get County approval to remove subject trees, each individual affected property owner is required to tag subject trees, complete the required permit request form, sign it and forward a copy to Lancaster County and then contact and schedule Mr. Brian Barnes, Lancaster County Permits to come out to assess and approve removal of subject trees. In addition, they will then be responsible for attaining estimates and contracting for removal of subject trees. Property owners are encouraged to coordinate the permitting and tree removal services in order to expedite and provide maximum opportunity for cost savings for all affected property owners.

**CBTB Association Resolution Action Record**

Resolution # 20-001

Pertaining to: Corrotoman Extended Project

Duly Adopted at a meeting of the Board of Directors held on: 31 October 2020

Motion by: Kevin McNair Seconded By: Lea Gallogly

VOTE:	YES	NO	ABSTAIN	ABSENT
<u>Deb Beutel</u>	<u>X</u>	_____	_____	_____
President				
<u>Kevin McNair</u>	<u>X</u>	_____	_____	_____
Vice President				
<u>Lea Gallogly</u>	<u>X</u>	_____	_____	_____
Treasurer				
<u>Cristain Shirilla</u>	<u>X</u>	_____	_____	_____
Secretary				
<u>Jean Ehlman</u>	<u>X</u>	_____	_____	_____
Member at Large				
<u>Lisa Adler</u>	<u>X</u>	_____	_____	_____
Member at Large				
<u>Don Smith</u>	<u>X</u>	_____	_____	_____
Member at Large				
<u>Ian Fay</u>	<u>X</u>	_____	_____	_____
Member at Large				
<u>Sam Longstreet</u>	_____	_____	_____	<u>X</u>
Member at Large				

ATTEST:

*Cristian Shirilla* 10/31/2020  
 Secretary Date