

# **Port Anne Common Area Guide**

**As Approved by the Port Anne Board of Directors on  
27 October 2009**

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## **Introduction**

As homeowners we share ownership of Port Anne's common area property. Port Anne's Board of Directors is committed to common area property maintenance and compliance with applicable city, state and Federal laws regarding land management. To this end, the Port Anne Board of Directors issued this Guide and delegated authority to the Common Area Committee (CAC) to manage the common area property (with the assistance of the Property Manager).

The elected Board members and the volunteers who serve on various committees cannot protect our common area property alone - it requires the commitment and involvement of all Port Anne property owners. Together, we must work to protect the environment and maintain the high quality of life in Port Anne. This will in turn enhance the value of our homes and continue make the City of Williamsburg a wonderful place to live.

Suggestions for changes to this document should be submitted to the Common Area Committee. The Port Anne Board of Directors will approve all changes to the Common Area Guide

## **Common Area Stewardship**

The Port Anne common area property includes:

- much of the land between William Way and the City of Williamsburg property abutting South Henry Street,
- trees, shrubbery, flowers and ground cover located on common area property,
- ravines,
- all of the shoreline within Port Anne (no private land extends to the shoreline),
- strips of land separating adjacent rows of homes (no two private plots back up to each other),
- access strips between the paved streets and the ravines
- community streetlight system,
- guardrails and parking area timbers,
- brick entrance walls with brass signs,
- brick paving at the entrance to Port Anne,
- storm water outflow grates and underground distribution system and outflows,
- irrigation system, and
- clubhouse parking lot.

The Port Anne clubhouse, pool, and tennis court are the responsibility of the Clubhouse Committee.

Most of Port Anne has been designated a Chesapeake Bay Resource Protected Area (RPA) or Resource Management Area (RMA). Consequently, the Port Anne Owners Association and Port Anne residents must comply with applicable city, state and Federal regulations regarding these areas. Violators are subject to significant fines and penalties.

### **Common Area Committee**

The mission of the Common Area Committee is to ensure proper maintenance, upkeep, and general repair of Port Anne's common areas.

Article I, Section 3 of The Declaration of Covenants, Conditions and Restrictions for Port Anne states: ““common area” shall mean all real property owned by the Association for the common use and enjoyment of the Owners, and all additions thereto made in accordance with Article II of this Declaration.’

Common Area Committee responsibilities include:

- a. Resolving low cost/impact issues less than or equal to \$500.00 subject to constraints of the annual budget. More difficult or expensive issues will be referred to the Board with Committee recommendations.
- b. Resolving Port Anne property owner issues resulting from homeowner submission of a Common Area Issue Report. Resolutions shall entail prudent investigation of applicable laws, contracts and community practices.
- c. Resolving Port Anne property owner requests regarding the common area resulting from homeowner submission of a Common Area Enhancement Request. At the discretion of the Committee, adjacent property owners may be informed/consulted about a request. Sufficient time will be taken to prudently investigate applicable laws, contracts and community practices.
- d. Preparing and providing to the management company a Request for Proposal (RFP) for each contract involving the common area. Following contract award, the Committee is responsible for monitoring the management company's oversight of contract execution.
- e. Providing monthly reports to the Board Anne Board of Directors.
- f. Ensuring committee membership includes at least three members who are voting resident members of Port Anne. One member will be designated by the President of the Board to be Chairperson of the Committee. The Property Manager is to be considered a non-voting committee member and kept apprised of activities.

### **Common Area Policies**

(1) Minimizing the maintenance of undeveloped common areas by allowing them to remain in natural landscape.

(2) Enhancements to common area property should be delineated in the enclosed “Common Area Enhancement Request” form, attachment A. The completed form should be submitted to the Port Anne Administrative Assistant for forwarding to the Common Area Committee. Approval must be received prior to taking any actions in the common area.

(3) Concerns may be reported via the attached “Common Area Issue Report,” attachment B. The completed report should be submitted to the Port Anne Administrative Assistant for forwarding to the Common Area Committee.

(4) Port Anne homeowners should notify either the Port Anne Administrative Assistant, property management company representative, or a member of the Common Area Committee of common area concerns. Examples include:

- a. Safety, health, environmental, or inappropriate use concerns.
- b. Lawns and shrubbery on the landscaped common areas not maintained in accordance with the landscape contract.
- c. Malfunctioning street light(s).
- d. Damaged or clogged curb-side storm water grate(s).
- e. Erosion in the common area.
- f. Dumping.
- g. Unauthorized removal or planting of vegetation.
- h. Unauthorized digging or excavating.

(5) Homeowners can play a very important role in managing storm water runoff by actively keeping the street-side drains near their homes clear of all debris. The storm water management system uses gravity to carry rainwater from curbside drains in our streets into an underground system that ultimately discharges into College Creek at several points. Sudden intense storms can overwhelm the runoff system if drains are not kept clear at all times.

(6) Early notification of erosion, dumping and vegetation removal is very important. Small erosion problems will be much less costly to repair if the problem can be resolved before significant damage occurs. Illegal dumping and vegetation removal are subject to law enforcement investigation. Timely investigation improves the chances of recovering remediation costs from the offender vice the community shouldering remediation costs.

(7) Lawn clippings or any other yard debris should not be deposited in the common areas, especially the ravines. Much of Port Anne’s common area is in the Resource Protection Area. The City of Williamsburg prohibits any dumping in the RPA and violators are liable for citation and substantial fines from the City. The sole exception to this policy is the designated grass clipping location adjacent to the tennis courts (outside of the RPA) to be used solely by the landscape contractor.

(8) Motorized vehicles are not permitted to operate in or on the Port Anne common areas, except as are absolutely necessary to maintain the common areas. This prohibition includes dirt bikes, all-terrain vehicles, and all other similar vehicles.

(9) Pesticides or herbicides and fertilizers will not be normally used in the undeveloped common areas to prevent runoff into College Creek.

The Common Area Committee is responsible for addressing damaged, leaning, or diseased trees or other vegetation on Port Anne common areas that may have the potential to injure people or property. After safety, overarching considerations include sound conservation practices, maintenance of natural habitats, and the prevention of erosion. Committee activities include:

- Trees
  - a. Obtaining permits from the City of Williamsburg, as required, before cutting down any trees. Downed, damaged or leaning trees will normally be cut down and limbed. Main trunks will be left lying on the ground. Limbs and debris will not be removed from ravines unless they create a drainage issue. Limbs and debris will be stacked neatly near the trunk or dragged further into the common area or ravine, whichever is determined to be appropriate and safe.
  - b. Survey for dead/damaged trees in the common area and any vegetation that blocks established drainage on a semi-annual basis. At that time, vegetation will be removed if necessary.
  - c. Root ball trunks will be trimmed as close to the ground as possible, righted into the hole if possible, or the hole filled to avoid standing water and subsequent mosquito problems. Root balls may be ground, on a cost sharing basis with the property owner, if there is a significant homeowner impact
  - d. If a property owner wishes to remove a downed tree trunk, limbs, debris, or root ball which is planned to be left in the common area, the owner must obtain prior permission from the Common Area Committee and then bear the cost of removal.
  
- Enhancement requests from homeowners to enhance the common area will be considered on a case-by-case basis in view of the following:
  - a. Port Anne Homeowners Association permission to enhance the common area does not imply or express relinquishment of Port Anne ownership of the affected property, nor does it assume responsibility for said enhancements to the common area.
  - b. Enhancements must comply with all relevant federal, state, and local zoning and environmental laws. In particular, Property Owners are responsible for full compliance with the requirements of the Resource Protection Area or Resource Management Area, as applicable.
  - c. The Common Area Committee will consider City of Williamsburg planting guidance/recommendations when reviewing proposed common area enhancements by homeowners. A copy of the City's document is maintained in the Port Anne office for property owner review.
  - d. Surface water flow patterns, drainage systems and underground utilities must not be disturbed.

Attachment A  
**Common Area Enhancement Request**

Date: \_\_\_\_\_  
Owner: \_\_\_\_\_  
Address: \_\_\_\_\_ Lot# \_\_\_\_\_  
Telephone: (H) \_\_\_\_\_ (C) \_\_\_\_\_  
Description of Enhancement: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

1. Attach a detailed sketch or site plan showing current vegetation (areas of vegetation, trees, etc.), location of proposed enhancements and a listing of the plant species to be used.

2. The undersigned acknowledges that if Port Anne approves this enhancement to its common area, Port Anne does not relinquish ownership of the affected property. The undersigned also will assume all responsibility and liability for the maintenance, upkeep or replacement of the enhancements that have been approved. If the enhancement results in damage to the common area or private property, the undersigned is responsible for making repairs.

3. The undersigned acknowledges that the City of Williamsburg may at anytime remove vegetation or other enhancements to improve access and the homeowner will not be reimbursed in any way.

\_\_\_\_\_  
Full Name(s) (printed)

\_\_\_\_\_  
Signature(s)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date received: \_\_\_\_\_ Date reviewed: \_\_\_\_\_

Common Area Committee Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Chair, Common Area Committee: \_\_\_\_\_  
Approved: \_\_\_ Disapproved: \_\_\_ Date \_\_\_\_\_

Attachment B

**Common Area Issue Report**

Date: \_\_\_\_\_

Homeowner Name: \_\_\_\_\_

Address: \_\_\_\_\_ Lot #: \_\_\_\_\_

Telephone: (H) \_\_\_\_\_ (C) \_\_\_\_\_

Best time to contact: \_\_\_\_\_

***Is this a safety issue?*** \_\_\_\_\_

Location of Issue: \_\_\_\_\_

Issue: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

=====  
Date Received: \_\_\_\_\_ Date Resolved: \_\_\_\_\_

Date Management Company met with Owner: \_\_\_\_\_

Date Committee Member met with Owner (if req'd): \_\_\_\_\_

Resolution: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Chair, Common Area Committee: \_\_\_\_\_

\_\_\_\_\_