Fellow Chesapeake Shores homeowners,

There’s been a lot of swirl and confusion in the community lately about the breakwater project and the ownership of the assets of the defunct Chesapeake Shores corporation. I thought I’d take the opportunity of the Fourth, which is always a Bavon day for my family, to share my thoughts on the matter.

In doing this, please note that these are my views only. Nothing here represents the views of the board of the HOA. This is my own understanding of how we got to the current situation, and an explanation of the decisions that I made at various points in the process. Further, I acknowledge that there might be mistakes in the following, but this is the situation as best as I understand.

The Chesapeake Shores HOA had its genesis in a public meeting on July 10, 2010, at the Beulah Methodist Church on Route 14. The purpose of the meeting was to discuss erosion of our beach and possible efforts to protect the beach. At that meeting, Scott Hardaway of VIMS presented an analysis of the erosion that showed that while the northern portions of the beach were generally in good shape, the southern portions had suffered significant erosion and were in danger of suffering more. He also discussed a proposed plan to build offshore breakwaters to protect the beach from further erosion.

Details about that meeting and the other meetings discussed herein can be found on the HOA website at this page:

<http://chesapeakeshoreshoa.com/index.php?title=Meeting_notes>

In discussions during and immediately following that meeting, several things became clear:

1. There was a great risk that erosion would cause serious damage both to the southern end of our beach and to the houses that stood there.

2. There was a plan on the table that could protect the beach from the forces of erosion, a plan that involved building offshore breakwaters.

3. There was government money available to help enact the breakwater plan.

4. One of the issues getting in the way of the plan was that there is no owner of the strip of beach closest to the water across much of the beach, including the southernmost Chesapeake Shores houses that are in most danger of erosion. This land was originally owned by the Chesapeake Shores Corporation that developed our subdivision, but that corporation is now defunct. The lack of an owner greatly complicates the permitting process required to build breakwaters.

5. On a related note, our neighbors in the Bavon Beach subdivision discovered that the corresponding strip of beach near their property is now owned by the Nature Conservancy, which acquired the land at some time in the 90's. Given that the Nature Conservancy's mandate is to preserve land without allowing any development, their involvement has complicated projects such as the proposed breakwaters and the outtake pipe that currently exists on the southern end of the beach. Many of us did not want the Nature Conservancy or a similar organization to acquire ownership of the beach near our properties.

 In the course of the open meeting with Scott Hardaway, seven volunteers agreed to form a committee to further investigate issues regarding the breakwaters. This group eventually decided that it was necessary to have a homeowners association, both to serve as a body that could take ownership of the unowned strip of beach and other properties formerly owned by the Chesapeake Shores corporation, but also to arrange for basic community services such as the maintenance of common roads and the grassy strips adjoining the roads, services that had previously been done on an ad hoc basis by some of the homeowners, notably Peyton Carr and Chuck Neff. The volunteers became the original board of the Chesapeake Shores HOA.

The HOA itself was legally constituted with the pro bono legal assistance of Billie Millner. All incorporation documents for the HOA can be found on the HOA website.

Following this, the following events took place.

1. From discussions with property owners, it became clear that there was no general consensus as to whether or not building breakwaters along the entire beach was desirable.

2. The Bavon Beach homeowners, seeing that erosion was endangering their homes, pursued having breakwaters built off the shore of their property. They got buy-in from the Nature Conservancy to participate in this effort and planning proceeded for phase 1 of the breakwater project covering only the southernmost portions of the beach.

3. The four southernmost homeowners in the Chesapeake Shores community, the Brickers, Martins, Millners, and Mulhares, known as the +4 homeowners, seeing that their homes were also endangered by erosion, asked to join phase 1 of the breakwater project. However, this was complicated by the fact that the strip of beach between their properties and the water was not owned by anyone and therefore there was nobody who could apply for permits.

4. In order to remove this impasse, the +4 homeowners filed suit to take ownership of the strip of beach adjoining their properties. Although they were generally supportive of the efforts of the HOA, they felt that taking ownership themselves would provide the quickest solution to the permitting impasse. Their hope was to get the process underway in time to start contraction of the breakwaters in late 2011/early 2012, before the 2012 hurricane season.

5. Hurricane Irene provided a vivid reminder of how fragile our shore is. It caused some damage along the southern portions of the beach, but in general we dodged a bullet.

6. Joe Sties became a defendant against the suit of the +4 homeowners out of concerns that their taking ownership of the strip of beach near their homes would lead to reduced access to that beach by the Chesapeake Shores homeowners. His actions delayed the resolution of the property issue which in turn delayed the permitting process so that it was not possible to build the breakwaters over the winter of 2011/2012.

7. In the face of the delays in building the breakwaters, several of the homeowners of Bavon Beach properties, as well as some of the +4 homes, built revetments (for which they had previous permits) to protect their homes from possible storm damage. (In a meeting on May 28, 2011, representatives of the Fish and Wildlife service said that in their opinion such revetments would eventually lead to the erosion of the beach unless breakwaters were built. However, the southern homeowners believed they had no choice but to build revetments in the face of delays in the breakwater project as the alternative would be the destruction of their homes.)

8. Tylan Dean of the US Fish and Wildlife service brokered an agreement between Joe Sties, the +4 families, the Bavon Beach HOA, and the Chesapeake Shores HOA as represented by the board. In this agreement, all parties agreed that the best resolution would be for the Chesapeake Shores HOA to take ownership of those properties formerly owned by the Chesapeake Shores Corporation, including the common beach areas. The understood intent of all parties was that that this would facilitate the building of the breakwaters off the southern end of the beach, by the Bavon Beach homes and the +4 homes. At this meeting, Tylan Dean stated that Fish and Wildlife would not require additional restrictions to the use of the beach for their support of the breakwater projects, though they were opposed to having motor vehicles on the beach (something that is already prohibited by existing law).

9. Following further negotiation, in subsequent court action Joe Sties consented to having the Chesapeake Shores HOA take ownership of the common areas.

10. Legal council hired by the HOA informed the board that all provisions guaranteeing access to the common beach areas would still apply after the HOA took ownership of the common properties. To clarify: the board has no desire to apply any additional restrictions to the use of the common areas, but even if a future board were to desire such changes, our attorney told us that they could not be made.

11. The judge in the case appointed a receiver and directed that receiver to give the common properties to the Chesapeake Shores HOA.

12. The HOA board has decided that, on receiving the common properties, it will support the efforts of the Bavon Beach HOA and the +4 homeowners to get permits to build the breakwaters along the southern end of the beach.

 In general, I have supported the actions of the HOA board in all these matters. I have voted for all of the relevant board resolutions, have attended all of the meetings mentioned above, and support the actions of the board and believe that they have been in the best interest of the beach and all of the property owners. In doing so, I have been guided by the following considerations:

1. I believe based on information provided by the experts at the Fish and Wildlife service and VIMS that the southern portion of our beach, that portion in front of the Bavon Beach and +4 houses, is in danger of eroding away completely.

2. Also based on that information, I believe that the best solution to preserving the beach is to build breakwaters.

3. I believe that the beach near our homes should be owned by an organization that represents the community and not by an organization such as the Nature Conservancy that may have its own agenda that conflicts with that of the homeowners.

4. I want to preserve all rights of access to the beach currently enjoyed by the homeowners in our community.

5. I’m of mixed opinions about whether breakwaters should be built along other parts of the beach. If I thought that there was a risk to the beach, I’d favor them. But I like my unobstructed view of the bay. I certainly do not believe that the board should impose its will on the community in this matter.

6. I support the efforts of the Bavon Beach and +4 homeowners to preserve their property from erosion.

7. I did not object to the +4 suit to gain ownership of the beach near their property because I believed that it would be the quickest way to resolve the ownership impasse and because I was confident in the protections for community access to the beach that they were putting in place.

8. I believe that the Chesapeake Shores HOA is doing its best to resolve these issues and to protect the beach. I further believe that the HOA is the best body to take ownership of the common properties, as well as to manage the maintenance of the common areas.

9. If anyone wishes to write on any of these matters, I would be happy to post the writings to the HOA website. (I’ve posted a version of this letter there as well.) I will gladly post things that disagree with my views as long as they are not abusive to any members of the community. (It was my original intent to have an area on the website that would allow for general community discussion, but unfortunately the areas that I set up were used more by spammers than by community members. But I’m always willing to post anything about our beach and matters related to it written by any member of our community.)

Joe Dzikiewicz