

**TABB LAKES HOMES ASSOCIATION**  
**POLICY RESOLUTION 2022-11**  
**Shoreline Maintenance Regulations**

**Authority**

WHEREAS the Tabb Lakes Homes Association, Inc. (the "Association") is a Virginia Non-Stock Corporation established under the Virginia Property Owners' Association Act, Va. Code § 55.1-1801, et seq. (the "Act") governed by certain documents including the Declaration of Covenants, Conditions and Restrictions (the "Declaration"), Bylaws and Rules and Regulations of the Association, and

WHEREAS Article VI Section 18 of the Declaration confirms the lakes to be Association Common Areas and provides the Association with the right to adopt reasonable rules and regulations controlling the use and enjoyment of the lakes to be controlling on all Lot Owners, their tenants, successors and assigns, and

WHEREAS Article VIII Section 6 of the Declaration specifies that in adopting and promulgating rules and regulations the Association shall take into consideration the best interests of the Owners of the Lots to the end that the Property shall be preserved and maintained as a high-quality community, and

WHEREAS Article X Section 2 of the By Laws requires the Board of Directors to cause the Common Area to be maintained;

**Purpose**

WHEREAS the Board of Directors of the Association (the "Board") has determined that there is a need to clarify rules regarding the maintenance of homeowner property located adjacent to Lake 1 and Lake 2, which are considered Common Areas of the Association, in order to protect and preserve the Association's stormwater management system.

The neighborhood's stormwater management system is dependent on the ability of stormwater to flow freely through the system of ditches, swales, pipes and two stormwater retention ponds. Obstructions to the water flow causes flooding of the roads and homeowner property.

In order to maintain the health of the lakes, the Association maintains fountains and sub-surface aerators to circulate water and to increase the amount of oxygen in the water. The introduction of leaves, trash and tree branches to the lakes can damage equipment and results in costly repairs. Organic matter deposited in the lakes also increases the occurrence of algae blooms and leads to the buildup of sediment, which results in expensive dredging projects.

**Scope & Intent**

WHEREAS it is the intent that these rules shall be applicable to any Association members whose property abuts the lake, and this resolution shall remain in effect until otherwise rescinded, modified, or amended by the Board. Adherence to these rules serves to maximize the performance of the neighborhood's stormwater drainage system and reduce costs associated with aeration equipment repairs and dredging.

**Specifications**

NOW THEREFORE BE IT RESOLVED that the Association adopts the following reasonable rules and regulations controlling the maintenance of shorelines along Lake 1 and Lake 2:

1. *Small trees* (approximately 6 inches or less DBH\*) and woody vegetation growing within ten (10) feet of the shoreline need to be removed. Any dead trees and limbs must also be removed.
2. *Large trees* (greater than 6 inches DBH\*) left along the shoreline must be kept pruned to reduce the likelihood of branches and leaves falling into the lake. Removing a large tree with a well-established root system in the shoreline is not usually recommended. Improper removal can result in erosion or

\* Diameter at breast height, or DBH, is a standard method of expressing the diameter of the trunk of a standing tree. The trunk is measured at the height of an adult's breast, usually approximately 4.5 feet above ground.

a collapse of the shoreline. Homeowners should consult with a professional arborist familiar with shoreline work before removing any large trees.

3. Trees that lean out over the water need to be removed if it is likely that as they grow, age or are damaged by high winds or disease, they may drop large limbs or fall into the water.
4. Any trees or woody vegetation growing on top or within ten (10) feet of any inlet or outlet piping or structures must be removed.
5. A vegetative buffer three to five feet (3'- 5') wide must be planted, or allowed to grow naturally, along the shoreline. A buffer helps prevent pollutants, tree debris and trash from entering the lake. It also helps to stabilize the shoreline and prevents erosion. The buffer can contain native marshland-type grasses, shoreline plants, or can be left to grow naturally, as long as woody vegetation is not allowed to grow. The vegetative buffer should be at least six (6) inches tall and must be kept under four (4) feet high at all times so it does not block a neighbor's view of the lake. (Note: Bulkheads are also still acceptable as an erosion mitigation strategy, but in most cases they do not replace the need for a buffer.)

*Guidance about shoreline buffers is available on the internet. Be sure to use sites that provide information specific to our area of Virginia. We have also provided a folder of resources on the Tabb Lakes website, <http://www.tabblakes.org/>.*

6. Lakeside homeowners are responsible for keeping trash and debris, including grass clippings and leaves, from entering the lake from their property.

#### **Enforcement**

In order to give homeowners a reasonable amount of time to bring their property into compliance with these standards, enforcement of the regulations will begin November 1, 2023.

1. These Shoreline Maintenance Regulations will be enforced through the association's regular covenants compliance program.
2. The association has a 15-foot maintenance and access easement around each lake. This easement may be used to perform regular checks of shoreline maintenance.
3. If a property remains out of compliance with these regulations after all remedies as part of the regular covenants compliance program have been exhausted, the Association may use the easement to remedy a shoreline that is having a detrimental effect on the lake. The homeowner will be responsible for all costs associated with this action.
4. If a tree or large limb fails and falls into the water, the homeowner from whose property it fell may be held financially responsible for its removal. Likewise, if the tree or limb damages the lake aeration equipment, the homeowner may be held financially responsible for the repair or replacement of the equipment.

This Resolution was adopted this 15th day of November, 2022, by the Board of Directors.

TABB LAKES HOMES ASSOCIATION

By: Keith A. Ebert  
Keith Ebert, President