

**Bay Quarter Shores Association
Monthly Meeting Minutes
March 10, 2007**

Meeting was called to order at 9:05 a.m., John Collier presiding.

Board members present: Mike Silagyi, John Collier, Ruth Franck, Jennifer Troy-Black, Frank Stewart, Gary Morris, and Stan Johnson. Others present: Richard Lee, Greig Saville, Robbie Booth, Theresa French, Gay Collier, Roger Guy, Tina Morris, Marlea Williams, Mark Williams, Curtis Black and Stan Wybersky.

Meeting minutes from February 10, 2007, were approved by a unanimous vote.

Jennifer Troy-Black - Treasurer

Treasurer's report was approved by a unanimous vote. Current assets: \$240,897.79. The Treasurer met with Bay Accountants and developed a list of account codes that will be used to clearly show what was budgeted, and what the actual income and expense amounts are.

Old Business

Gary Morris - BOD Member-At-Large

No report

Frank Stewart - Vice President for Maintenance

Work has been completed on the pool pump house upgrade. An additional \$366.25 was paid for work done above the original contract. Replaced the dimmer switch in the clubhouse with an on/off switch and did some plumbing. Good work, done in a timely manner. Paid in full.

Eddie the plumber has started the work upgrading the showers and one commode at the campground. The men's side is about 90% complete and the entire job should be completed in the next two weeks.

As of yesterday I believe we have resolved the problems with VDOT regarding the speed limits and the golf cart community issue.

Completed two additional fishing benches for the point area and added a step to the ramp at the mouth of Presley Creek.

Stan Johnson - Compliance Committee

Contacted 4IMPRINT located in Oshkosh, Wisconsin regarding oval shaped bumper stickers

with the BQS logo. Since BQS has discontinued use of the BQS vehicle identification stickers Mr. Johnson feels that perhaps it would be a good idea to have BQS bumper stickers available to members. The stickers would not be mandatory, they are optional. The stickers would identify BQS members and provide a sense of community. The stickers are 4" X 6" ovals with a white background and black/shaded BQS lettering.

BQS could send the stickers to members free of charge to acknowledge receipt of annual dues or BQS could sell the stickers to member or the stickers could be handed out at the annual meeting.

Mike Silagyi and Roger Guy stated that since the stickers are optional, they would not place the stickers on any of their vehicles. Jennifer Troy-Black suggested smaller sized stickers and that the font of the lettering be changed to the font of the current BQS logo. Theresa French suggested that the background be changed to clear so the stickers could be placed on the rear window of vehicles. Frank Stewart suggested that an article be prepared for the next Newsletter describing the vehicle stickers and soliciting input from the membership.

The acquisition of the BQS stickers was tabled until additional input is received from the membership via the next Newsletter.

Ruth Frank - BOD Member-At-Large

Addressed the echo problem in the clubhouse and noise abatement. She recommended that BQS acquire and install a wall covering on the front and side walls. The wall facing the Potomac River would not be covered because it is mostly windows. The wall covering is currently used at the Fisherman's Museum in Reedville, the Heathsville Public Library, the tavern, churches and the Transportation Museum. The Transportation Museum installed the wall covering themselves at a cost of approximately \$1,200 for a room larger than the BQS clubhouse.

The covering is glued to the wall. Ruth Franck suggested that we install a chair rail and then cover the walls from the chair rail to the ceiling. Anything from the chair rail to the floor would get dirty and may be hard to clean. Mrs. Franck also recommended that some kind of trim board be installed along the ceiling line to hold the top of the wall covering in place.

Ruth Franck also recommended that we install squares of commercial grade carpet on the floor rather than install wall-to-wall carpet.

Frank Stewart and John Collier feel that the floor needs to be dealt with first and that if we still have an echo effect then we should perhaps install a wall covering.

Theresa French recommended that sheer drapes could be installed on the windows to help reduce the echo effect.

Frank Stewart volunteered to work with Ruth Franck to research the cost and installation of a commercial grade floor covering so that it can be budgeted for in fiscal year 2008.

Mike Silagyi - Vice President for Administration

Clubhouse

The clubhouse was used for one senior pot luck dinner. No problems were reported with the sinks or toilets.

Septic System

John Hollowell the Authorize On-Site Soil Evaluator made another visit to BQS on February 20, 2007. Mr. Hollowell is in the process of preparing two soil evaluation reports. We had a good discussion and he answered all of my questions. One report is being prepared for Area #1 which is in the stand of trees in the boat ramp parking lot. Another report is being prepared for Area #2 which is between the car parking lot and the current septic field and play ground. These reports will be used by the engineer to design two systems. These two reports will cost BQS \$500 and were to be ready by yesterday, Friday, March 9, 2007.

Mike Silagyi has talked with Don James, Vice President of AES Consulting Engineers located in Gloucester. Mike has provided him with the history of the BQS septic system, a daily clubhouse/pool utilization estimate since September 2005, directions to BQS, the original site visit report prepared by Mr. Hollowell, and the list of questions and answers from my talk with Mr. Hollowell on February 20, 2007. Mr. James is interested in helping us with this project. He does not know what it will cost to prepare two septic system designs until he receives the reports from Mr. Hollowell and does a site visit.

At the February meeting Mike Silagyi was authorized to spend \$1,000 on reports. He has spent \$500 of that \$1,000. He would like to have authorization for an additional \$1,000 for the engineering reports. The board approved the additional \$1,000 request by a unanimous vote.

Swimming Pool

Mr. Silagyi called Gayle Davenport on March 1, March 3 and March 8 asking her if she would consider being our pool manager for the 2007 swimming season. He left messages on her answering machine and is waiting for a response from Mrs. Davenport.

Fraser Getgood - Building Control Committee - presented by John Collier - President

John Collier stated that Mr. Getgood was unable to participate in the meeting because of injuries to his ribs.

Hatteras Style House

A waiver was requested to construct a Hatteras style house on stilts on lot A-140 located on Bay Quarter Drive. The house is 1,300 square feet in size, stick built rather than a modular, and meets all BQS set back requirements. The waiver was requested because the Covenants do not permit houses built on stilts.

There was some discussion among the membership and BOD regarding the height of the structure and blocking the line of sight to the water. Several members stated that future buyers of property around such a structure would have to be aware of what they were buying. Other members stated that the height of such a structure is no different than a two story house or a story and a half Cape Cod.

The waiver for the Hatteras style house on stilts was approved.

Northumberland Enterprises

Northumberland Enterprises was represented by Robbie Booth and Greig Saville. They asked for a waiver regarding a house they were constructing on lot A-096 located on Circle Drive. The stoop of the house encroached on the set back requirements. The gentlemen were instructed to poll the neighbors in writing and present the polling to the board.

At this point Roger Guy asked to address the board and the membership present regarding Northumberland Enterprises and construction on lots A-096 and A-106.

To: BQS Members and BQS B.O.D.

Re: Lot Number A-106 and Lot Number A-096

Lot number A-106 was cleared with a bulldozer over the last two weeks. All trees were pushed out of the ground which could void the health department septic permit. The State Health Department states that "too much disturbance could void the septic permit."

Northumberland Enterprises obtained and posted a Land Disturbance permit for clearing lot A-106 to accommodate a septic system, a driveway and a dwelling.

Northumberland Enterprises submitted a plat for lot A-106 to the county and health department before applying for any approval from BQS. The plat shows the location of a house and two septic systems. One septic system will service the dwelling on A-106 and the second septic system will service a dwelling on A-096. Lot A-096 is located across the street from lot A-106. No building plans have been submitted to the county for the houses yet.

The BQS Building Control Application/Permit has an area specified on it for approval of a septic field. Has BQS received a Building application for two septic

fields and a dwelling for lot A-106? Has BQS received a Building application for lot A-96?

By having two septic systems located on lot A-106 to service two separate dwellings on two separate lots appears to be combining, joining, and/or possibly dividing lot A-106. BQS Covenants, Section 4 states: "Lots may not be divided, combined, or joined together without written approval of the B.O.D. of BQS." According to BQS Covenants, Northumberland Enterprises is not in compliance with any of the BQS standards and requirements. They have not presented any plans to BQS at all!

This past week I called the Three Rivers Health District and talked to Rosalie Coultrip about what has been done. During that conversation she confirmed that two septic systems are to be put on lot A-106. One septic system will service a house on lot A106 and the second septic system will service a house on lot A-096.

In addition, properties belonging to Northumberland Enterprises may violate Section 4 of the BQS Covenants which covers set backs. The BQS set back standards for dwellings are: side 10', back 25', and road 40'. On 3-9-2007 I called W.H. Shirley with Northumberland County Zoning. I talked to Mr. Shirley about the county set backs and what is allowed. The county sets backs are: side 10', back 25' and no exceptions. The front set back for the county is 35'. If they want to get closer than 35 feet they need a Zoning variance.

Last year, Mr. Booth submitted a letter to BQS requesting a "blank waiver" for the set backs on lot A-096. The B.O.D. denied the request because no site plans were submitted with the request.

On 3-8-2007 I talked to a Mr. John Pittman from the Virginia Health Department while he was visiting lot A-106. He was following up on my conversation with Rosalie Coultrip. He had plans showing the two septic systems on lot A-106 and a proposed site for a house on lot A-106. According to Mr. Pittman, he said the clearing was not completed according to the way the plans were presented. He told me that he will be back with his boss to do another set of borings since the land was plowed. He said I would hear from him, regarding the final outcome.

On 3-9-2007 Mr. John Pittman and his boss, David Fridley of the Health Department came back to Lot A-106. Mr. Pittman and Mr. Fridley bored several holes in many areas. The site for a septic for A-106 has to be reevaluated due to bad soils. An engineer from the State Health Department and Mr. Dunn of Atlee Onsite Soil & Engineering, along with Mr. Pittman and Mr. Fridley will meet at Lot A-106 in the near future. I was told that I will be contacted with the findings of the meeting.

BQS Covenants, Section 5, says builders need an approved BQS Building Control Application/Permit prior to submitting for permits from Northumberland County and the Three Rivers Health District. In this regard, a BQS Building Control Application/Permit should be submitted by Northumberland Enterprises with exact details as to what is going to be built on any and all lots.

If and when Northumberland Enterprises submits a BQS Building Control Application/Permit it should not be approved. Future buyer or buyers of lot A-106 may not be aware that it contains two septic systems and there is no room for a future garage, carport, or probably even a shed. This could be a nightmare for any buyer! I do not want to see this project approved by BQS unless Northumberland Enterprises meets all BQS, County, and State requirements. Northumberland Enterprises should be held to dividing A-106, or by a Deed, or officially combining or joining lots A-106 and A-96!

I am requesting that the B.O.D require all neighbors within sight of this project be asked in writing for approval. If approved, we, the neighbors, are the ones that will have to look at this situation from then on.

This could set a precedence of unknown proportions, just not in this one section of BQS, but in all sections of BQS. What would be the next problem be? Four separate septic site on one lot. Maybe build a garage or shed, or whatever I would want if I owned two lots that do not adjoin? No telling what someone might do! Again I ask the B.O.D. not to let Northumberland Enterprises get away with what they have, and have not done to stay within the guidelines of BQS! Would you want to have a septic system on your lot that belongs to someone else?

Sincerely, Roger Guy

Ruth Frank asked why you would place a septic system for lot A-096 on lot A-106. Mr. Saville responded that due to the set back requirements, lot A-096 cannot accommodate a house, septic tanks, and a drain field. He went on to say that Northumberland Enterprises has a recorded septic easement permit on file for lot A-106, and that VDOT has granted them a permit to bore under Circle Drive and install a line to the septic field located on lot A-106. Mr. Saville also stated that any future purchaser of lot A-106 will be made aware of the septic easement for lot A-096 through the disclosure/settlement process. Mr. Saville went on to say that he did not realize that they had to obtain a BQS building permit even though he earlier stated has built over twenty homes in Bay Quarter Shores.

Mike Silagyi stated that he felt that Northumberland Enterprises was joining lots A-096 and A-106 and that it was not appropriate to place a septic system for lot A-096 on lot A-106. Mr. Saville stated that septic easements are done all over the county and that it is not uncommon.

John Collier stated that it was not the responsibility of the board to enforce septic easements and such. This kind of responsibility falls on the health department and the county. The board is

responsible for making sure that construction conforms to BQS Covenants and that our Covenants do not address septic easements. He further stated that this is a situation of “buyer beware” and that any future purchaser of the property has a choice to purchase or not to purchase once they are made aware of the septic easement.

Member Time

Theresa French asked if she needed a permit to install decorative split rail fences to mark the corners of her property. The board told her she does not need a permit as long as she is only marking the corners of the lot. She asked if she need a waiver to install a fence on the back side of her property. Mike Silagyi told her that she does not need a waiver as long as the fence does not extend past the front of the house. The fence can extend out from the sides of the house to the side property lines and along the back line of the property.

No other members chose to address the board, ask questions or provide input.

The next meeting will take place April 14, 2007, at 9:00 a.m.

The meeting adjourned at 10:20 a.m.