



The Eagle

Harbour Pointe Homeowners Association Newsletter

October 2, 2021

HPHA Website: <https://www.hphava.com>



**Welcome and
Thank You!**

A warm welcome and big thanks to those who volunteered for positions on the 2021-2022 board:

Eric Haught, President: hphavapres@gmail.com
Rick Pain, Vice President: hphavavp@gmail.com
Tal Day, Secretary: hphavasec@gmail.com
Gordon Oehler, Treasurer: hphavatreas@gmail.com
Gene Lepley, At-Large: hphavaatlarge@gmail.com

Our 2021/2022 Committee Members

The following committees have been established for the coming year. Our success as a community has been because of people like you who give your time and expertise. If you'd like to volunteer for a committee, or have any questions, please contact the board or any of the committee chairmen:

Community Relations – Gene Lepley

Capital reserve – Dennis Donovan, chair; Rick Ferrell, Eric Haught, Tal Day, Bob Gray

Environmental Stewardship – Eric Haught (Chair), Barbara Day, Rick Ferrell, Gene Lepley, David Whidden

Maintenance – Dave Whidden (Chair)

Newsletter – Cindy Ferrell (Chair), Barbara Day, Gene Lepley

Pool – Rick Ferrell (Chair)

Search – Linda Carrington (Chair)

Social - Barbara Day, Linda Pain, Beverly Wierbinski, Cindy Ferrell

Ad Hoc Records Management – Tal Day (Chair), Susie Cambria, Barbara Day, Gordon Oehler

Architectural Review Board

The Architectural Review Board is required in the Covenants and By-laws to have a monthly meeting. Starting in October, the ARB will meet the **second Saturday each month at 9:00 am at the Pool House**. As colder weather arrives, alternate meeting sites will be announced. Note that on alternate months, e.g., November, January, March, etc., the Board of Directors will meet at 9:30 am. On a specific month, if there is no business before the ARB, I will cancel the meeting.

Rick Pain
ARB Chair and HPHA Vice President

Special Meeting – Oct 16, 2021



The ARB has called a Special Meeting for **Saturday, October 16 at 9:30 am at the Pool House**.

The specific purpose of this meeting is to discuss the revised Architectural Standards

document. The ARB invites the Harbor Pointe community to attend and make comments on the document. At the meeting, if appropriate, the ARB will vote on acceptance of the Standards. The HOA lawyer has completed his review and made

suggested revisions. President Haught will distribute a final draft for all your review before the meeting. If you are unable to attend, please e-mail comments to me at hphavavp@gmail.com, or text me at 703-409-6062.

Rick Pain
ARB Chair and HPHA Vice President

HPHA's Beachfront Groins: Issues and Current Status

Tal Day



Common Area Beachfront Groins and Sand Fencing Credit: Google Earth May 2021

At the August 21, 2021, Annual Meeting, Eric Haught reported that the Virginia Marine Resources Commission (VMRC) had requested that Emily Hein, a highly qualified scientist affiliated with the Virginia Institute of Marine Sciences (VIMS), prepare a white paper addressing issues associated with the common area beachfront groins and the impact of their replacement on an adjacent downstream lot.

That white paper, dated August 30, 2021, was delivered by VIMS to Jeff Madden, the Commission's reviewing Environmental Engineer, who shared the paper with Eric Haught, HPHA's project manager for the groins project. The white paper was one of the items on the agenda for the Stewardship Committee meeting on September 25, 2021. As of that meeting date, a copy had also been furnished to Jim Gray as a document in the public record.

The white paper sets forth certain conclusions and recommendations about the functioning of the common area groins as well as a means to mitigate downstream adjacent effects. As context, the white paper notes that the groin field downstream from the common area had failed and that those groins in their current condition no longer hold sand on that adjacent lot owner's beachfront.

Notably, the white paper takes as a given that the groins as constructed are "too high" and not in compliance with the Northumberland County Wetlands Board permit. The white paper makes no determination on the extent of non-compliance to be corrected. That is a matter before VMRC, which will make its determination following its technical review of a survey to be furnished by HPHA that is currently underway.

The extensions of low-profile groins from the shoreline must terminate at mean low water. "Mean Low Water" is a term with a regulatory definition. Establishing exactly what is Mean Low Water along the Harbour Pointe common area beach front is something that can only be established through a survey. Eric Haught stated during the committee meeting that HPHA's surveyor is returning to obtain a third set of measurements which will then be used along with the other measurements to determine exactly how much the groins are out of compliance with the permit for "low profile" groins as built.

This calculation is complex. It involves interpolating to determine tide height using data from buoys brought into service at different times, adjusting for geodesic distortions and their effects on sea levels, among other considerations. As Eric stated, only one surveyor in the area, HPHA's surveyor, has agreed to do this work. Other surveyors recommended by Jeff Madden either have not returned Eric's calls at all or have declined to undertake such a complex and unfamiliar analysis. HPHA's beachfront groins were constructed like other groins constructed in the area over time, groins that were when constructed regarded as "low profile" groins.

Absent the pending complaint before VMRC about the height of the groins that has compelled HPHA to undertake the survey in progress to establish a

basis for corrective action, the new HPHA groins on the beachfront would likely also have been considered compliant. That said, Eric, on behalf of HPHA, and Jeff Madden are agreed that the heights of the groins at their terminal ends in the Potomac are out of compliance with the applicable regulatory definition of low-profile groins. Once the proper height has been determined by HPHA's surveyor, the terminus of each groin can be marked and the excess height at each groin's terminal end (believed to be roughly 9 inches) can be corrected to bring the groins into compliance with the permit.

It is important to emphasize that all the corrections ultimately required will exclusively affect groin height in the Potomac River. As built, the groins along the common area beach are sloped one inch to 30 inches, rather than one inch to 10 inches as permitted under the regulations. The groin heights as corrected from their terminal ends will accordingly intersect with the groins as built offshore, approximately 15 feet from the groins' termini in the Potomac. These corrections will not alter the heights of the groins on the beach, and the beach will not be disturbed to accomplish the required correction once the correction required is exactly determined through the survey.

Making the required correction will be expensive because the contractor will need to work underwater using hand tools. HPHA can compel the contractor to make the required correction at the contractor's expense once an exact determination of the necessary corrective action is established and incorporated into a final VMRC decision. This is not a correction that the contractor will make at his expense without proof (the survey) that the groins are out of compliance with the permit. Until that decision issues, HPHA has no basis to compel corrections by its contractor under its contract. Further, until the survey is completed any effort to correct the non-compliance would be not only an expense that HPHA would need to bear, but would be speculative as well.

The VIMS white paper furnishes a recommendation about how to mitigate the shoreline dynamics of the groin closest to the downriver neighboring lot. It states, "A spur could be added partway along the existing groin to alter how waves refract around,

thereby reducing some of these immediately adjacent effects. This cell could also be nourished with sand of similar grain size to that currently on the project beach." Implementing this recommendation when the groin heights are corrected is something HPHA could do, if the recommendation should be agreeable to the adjacent lot owner.

The VIMS white paper expressly states that removing the closest groin to the downriver lot would likely cause the beach "to reach an equilibrium that is narrower and lower than at present ... If additional (or all) groins are removed the resultant configuration may destabilize the narrow barrier between Black Pond and the Potomac River."

HPHA holds title to Black Pond. It is a common area asset that HPHA's Board has a fiduciary duty to protect. HPHA has further been advised that any breach of the barrier dune causing Black Pond to drain and become a marsh could not be corrected.

There is no dispute that the groins have produced a much wider and deeper beach in front of the barrier dune. The groins are not the only step that the HPHA has and will take to protect and build up the barrier dune, but it is clear that removal of any of the groins could have profoundly negative consequences for the amenities of Harbour Pointe and the value of lot owners' properties. It is, therefore, encouraging that the VIMS white paper identifies a practical means to mitigate the effect on the adjacent downstream lot which HPHA could implement without compromising its fiduciary duty to protect Black Pond and the interests of all members of the HP community - including the downstream lot owner — once HPHA's survey is completed and VMRC issues its decision.

REMINDER: Harbour Point Email Group Still Active

For residents new to Harbour Pointe and those who may have slipped through the cracks, we have a mandated way for residents to communicate with



each other. Do you know of a great read or restaurant (perhaps after quarantine) or other event that you think may interest your neighbors? Do you have something to loan, sell or borrow that you want other residents to know about? Or maybe you have a question or concern about the Northern Neck in general. All these can be shared on the harbourpointresidentsgroup.io. To join you can email Linda Carrington at lindacarrington@netzero.net with the email you would like to use, and she will add you to the mailing list.

Google Earth

Interested in seeing the Harbour Point land use and development of surrounding areas? You can get an arial view, updated as of May 1, 2021, by visiting Google Earth at <https://earth.google.com>. Click on the search icon and enter your address to see the local area:



Save the Dates!



The Social Committee is hard at work organizing upcoming events for Harbour Pointe. Be looking for more information about the following events:

Outdoor (weather permitting) Halloween Party on **Sunday, Oct 31.**

Ladies' breakfast at 360 Grill on **Thursday, Nov 18 at 9:30 am.**

Christmas Cookie Swap and Sing-Along at Rick and Linda Pain's house on **Saturday, Dec 18 at 6:00 pm.**

Board of Director Meeting Schedule



Regular meeting dates are:

- November 13, 2021
- January 15, 2022 (third Saturday--
January 1 is a holiday)
- March 12, 2022
- May 14, 2022
- July 9, 2022

Northumberland County Hazardous Waste Collection

The Northumberland County Household Hazardous Waste/Electronic Waste collection will take place Saturday, November 13, 2021, from 9 am to 2 pm at the Northumberland Middle School bus parking lot accessible from 360 in Heathsville.

SOCIALLY DISTANCED EVENT

Northumberland County FALL 2021 HAZARDOUS & E-Waste Collection

Saturday, Nov. 13, 2021 9am - 2pm

Northumberland Middle School bus parking lot on 360, Heathsville

WE UNLOAD ITEMS-NO NEED TO LEAVE YOUR VEHICLE

*PLEASE STAY INSIDE VEHICLE *PLACE ITEMS IN AN ACCESSIBLE AREA OF YOUR VEHICLE *EVENT STAFF WILL UNLOAD HHW FOR YOU *PLEASE WEAR A MASK IF YOU MUST LOWER VEHICLE WINDOW

PLEASE BRING: * Spent fluorescent bulbs; *unwanted pesticides; *antifreeze; *rechargeable batteries; *cleaners; *oil-based paint/stains; *old/contaminated fuels/petroleum products; *household chemicals; etc.
 ALSO BRING: *Computers-CPUs and laptops; * mainframes, peripherals; *monitors-CRTs and flat screens; *telephones, cell phones and telephone systems; *fax machines; *printers and copiers; *TVs; *banking and financial equipment; *rechargeable batteries; *electronic circuit boards and components; *stereo equipment; *games, PDAs and *vape pens/batteries.
 **PLEASE DON'T BRING: Latex Paint (non-hazardous), Car Batteries, Radioactives, Smoke Detectors, Medical Waste, Medications, Ammo/Explosives & Household Electrics other than those listed above.
 *This Household Hazardous Waste Collection event is a collaborative effort between Northumberland County, the Northern Neck Soil and Water Conservation District and Virginia Cooperative Extension. Event is open to residents and property owners in Northumberland County.

NORTHERN NECK SOIL & WATER CONSERVATION DISTRICT

Virginia Tech • Virginia State University

Please contact Kathleen Watson at Northern Neck Soil and Water (804) 313-2102 x 105 or call the Northumberland County Extension Office: 804.580.5694 for additional information or questions.

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Northern Neck Electric Cooperative: Who Owns What?

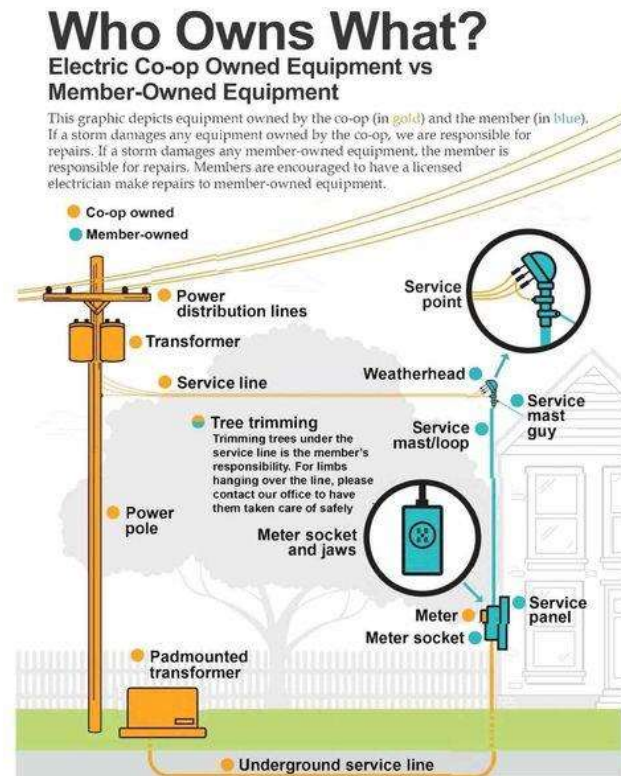
NNEC recently posted the following interesting article on Facebook, dated September 14, 2021:

Who owns what when it comes to your electric distribution equipment? The picture below details what is co-op owned vs. what is member-owned. If a storm damages equipment owned by the co-op, we will make repairs as quickly as possible. If a storm damages any member-owned equipment, members should hire a licensed electrician to make repairs.

Given the surge in demand for in-person service, the DMV Select office in Heathsville has closed for a second year to get through county tax season, and it won't reopen until January 3.

For more information, visit:

https://www.newsontheneck.com/news/local/heathsville-dmv-closed/article_6127cfe0-1258-11ec-b349-33f3b418245f.html



DMV in Heathsville Closed Until 2022

According to an article on newsontheneck.com by Michelle Smith, dated September 10, 2021:

Pool Closing for the Season

The pool will be closing for the season on Tuesday, Oct 5. The pool will be covered, and facilities will be shut down and winterized. A big thanks to Rick Ferrell and Bruce Adams for their help in maintaining it, and to all others who helped keep it clean for our use this summer!

Harbour Pointe HOA Board of Directors	
President	Eric Haught (hphavapres@gmail.com)
Vice President	Rick Pain (hphavavp@gmail.com)
Secretary	Tal Day (hphavasec@gmail.com)
Treasurer	Gordon Oehler (hphavatreas@gmail.com)
At-Large	Gene Lepley (hphavaatlarge@gmail.com)