

Long Point Corporation Common Land Water Access Policy

July 1, 2020

Preamble

The Board of Directors of the Long Point Corporation hereby adopts the following policy to govern the use of commonly owned waterfront at access points around Long Point, effective May 1, 2021.

With few exceptions, Long Point leaseholds do not extend to the lakeshore. This means most of the shore land at Long Point is held by Long Point Corporation and managed by the Board in the collective interest of all of us as stockholders.

So that all Long Pointers can enjoy the waterfront, several access points have existed since before the corporation was formed, making it possible to reach the water without crossing existing leaseholds. The use of the waterfront areas accessible at these points has not been formalized. Some leases spell out in general ways how the leaseholder may use the common waterfront. Most leases are silent. In the absence of formal guidance, disputes have developed from conflicting assumptions and understandings. Some disputes have led to litigation the cost of which is borne by all stockholders.

In the exercise of its responsibility to manage Long Point common land, the Board has developed a set of policies to clarify the rights of stockholders to use the several areas of waterfront accessible to all stockholders. The Board drew on research undertaken by members of the Land Management Committee into historical sources, past and current practice and existing leases. The policies aim to reduce future disputes and misunderstandings and to ensure that all Long Point stockholders enjoy access and beneficial use of our lakefront, while taking account of the interests of stockholders whose camps abut or are near the waterfront access areas.

1. General provisions

- a. Common Access Land. Common Access Land is waterfront land owned by LPC, not leased to any stockholder, and available for use by all stockholders.
- b. Use of Common Access Land. Stockholders may use Common Access Land for temporary waterfront activities, such as walking, fishing, or entering the lake for swimming or watercraft use. Motorized watercraft may be launched at the Bay Road Common Access. Because of space or other limitations, some Common Access Land may only be used for more limited purposes, as described in subsections 2a through 2j below. Designated stockholders whose lots are in the immediate vicinity also may store watercraft and beach equipment on site if space is available. In all cases, users are expected to be respectful of stockholders whose lots are nearby, limiting noise and off-hours use of the area before 8:00 a.m. and after 10:00 p.m.

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- c. Shared Access Land. Shared Access Land is waterfront land owned by LPC and not leased to any stockholder, reserved primarily for the use of stockholders whose lots are in the immediate vicinity of each Shared Access area. These stockholders are designated in subsections 2a through 2j below. Other stockholders may use Shared Access land for temporary activities.
- d. Use of Shared Access Land. Shared Access Land generally may be used by all stockholders for temporary waterfront activities, such as walking, fishing, or entering the lake for swimming or watercraft use. Certain designated stockholders may install docks, as limited in subsections 2a through 2j, and also may store watercraft and beach equipment on site if space is available. Because of space or other limitations, some Shared Access Land may only be used for more limited purposes, as described in subsections 2a through 2j below. In all cases, users are expected to be respectful of stockholders whose lots are nearby, limiting noise and use of the area before 8:00 a.m. and after 10:00 p.m.
- e. Fire Access. Fire access is a corridor of land stretching from a road to the water. It must be kept free of vehicles, docks, equipment, etc. to enable any fire department or fire personnel to access the waterfront.

2. Location and Uses

- a. Bay Road Shared and Common Access Community Beach: waterfront located along the northern side of Bay Road extending from the west side of 304 East Rd to the northeast lot lines of 14 South Rd, which is located on the bayside of the road.
 - i. 10 stockholders have lots abutting or near the beach and are permitted to access the waterfront to install docks and for other purposes as limited below.
 - A. 359 Bay Road
 - B. 377 Bay Road
 - C. 388 Bay Road
 - D. 391 Bay Road
 - E. 401 Bay Road
 - F. 417 Bay Road
 - G. 427 Bay Road
 - H. 441 Bay Road
 - I. 451 Bay Road
 - J. 43 South Road
 - ii. No more than 3 docks may be installed on the waterfront given the contour of the bay, the length of shoreline, and the shallow depth of water. The eastern portion of the bay bordering the rock ledge and stone wall of 304 East Road shall be kept open for periodic use as a boat launch.
 - iii. The stockholders designated in paragraph *i* are encouraged to share docks. If the designated stockholders are unable to arrive at a consensus regarding shared

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- use of the waterfront, any of them may request guidance or intervention from the Board.
- iv. The designated stockholders may store watercraft and beach equipment on site, keeping in mind not to overload the waterfront with personal items at the expense of other stockholders who share the waterfront. Because of limited space, nondesignated stockholders are not permitted to store watercraft or beach equipment in the access area.
 - v. Any stockholder may use the area to swim, picnic, fish or launch a boat. Users are expected to be respectful of stockholders whose lots are nearby, limiting noise and refraining from running car and boat engines or off-hours use of area.
 - vi. No building, structure, site work or vegetation exceeding three feet in height may be constructed, installed or maintained on the shared and common access area without the written permission of the Board.
- b. East Road Shared Access: waterfront located across the road from 251 and 253 East Road, and between and south of 242 East Road and north of 304 East Road, abutting 292 East Road.
- i. 7 stockholders have lots abutting or near the waterfront and are permitted to access the waterfront to install docks and for other purposes as limited below.
 - A. 131 East Road
 - B. 242 East Road
 - C. 251 East Road
 - D. 253 East Road
 - E. 283 East Road
 - F. 285 East Road
 - G. 292 East Road
 - ii. No more than 2 docks may be installed on the waterfront given the contour of the bay, length of shoreline, and shallow depth of water.
 - iii. The stockholders designated in paragraph *i* are encouraged to share docks. If the designated stockholders are unable to arrive at a consensus regarding shared use of the waterfront, any of them may request guidance or intervention from the Board.
 - iv. 242 East Road, which abuts the shared waterfront, may install docks on their waterfront but may not install a dock in the shared waterfront area unless it is to share a dock with other stockholders.
 - v. The stockholders designated in paragraph *i* may store watercraft and beach equipment on site, keeping in mind not to overload the waterfront with personal items at the expense of other stockholders who share the waterfront. Because of limited space, nondesignated stockholders are not permitted to store watercraft or beach equipment in the access area.
 - vi. No building, structure, site work or vegetation exceeding three feet in height may be constructed, installed or maintained on the shared and common access area without the written permission of the Board.

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- c. Neck of the Point Common Access and Fire Access: waterfront located on the west side of North Road, 2 feet south of the Gardner Island concrete dock and north of 14 South Road. The northern boundary of 14 South Road is approximately 105 feet south of the Gardiner Island concrete dock. The Community Access area is directly across North Road from 34 North Road. The Fire Access area crosses the 14 South Road lot and is directly north of the parking area for 14 South Road located on Bay Road. This common area is only available for use once the water recedes and the shoreline becomes available. Access has been permitted by the stockholders of 14 South Road thus allowing Long Pointers to access the waterfront for leisure activities.
- i. Stockholders may use the area for temporary waterfront activities, such as walking, fishing, or entering the lake for swimming or watercraft use. Users are expected to be respectful of stockholders whose lots are nearby, limiting noise and off-hours use of area.
 - ii. The installation of docks and storage of water and beach equipment is not allowed.
 - iii. No building, structure, site work or vegetation exceeding three feet in height may be constructed, installed or maintained on the shared and common access area without the written permission of the Board.
 - iv. The Fire Access must be kept open at all times from the head of the ramp to the water.
 - v. The parking area on the northwest side of the cedar hedge, south of the Fire Access, is part of the lease for 14 South Rd and is not available for parking by others. The Gardener Island dock is a leased lot and not a common area.
- d. North Road Shared Access and Fire Access: waterfront located between 286 and 296 North Road accessible by a corridor between those lots.
- i. The waterfront and the 10-foot wide access corridor is for the primary, but not exclusive, use of 251, 260 and 282 North Road, and 20, 25, 26 and 31 Lakeview Road.
 - ii. No docks may be installed in the Shared Access area, because of limited space. The corridor must remain open and free of watercraft and other equipment all the way to the water for use as a fire access by the fire department.
 - iii. The stockholders designated in paragraph *i* may store watercraft and beach equipment on site, keeping in mind not to overload the waterfront with the personal items at the expense of other stockholders who share the waterfront. If the designated stockholders are unable to arrive at a consensus regarding shared use of the waterfront, any of them may request guidance or intervention from the Board. Because of limited space, nondesignated stockholders are not permitted to store watercraft and beach equipment in the area.

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- iv. No building, structure, site work or vegetation exceeding three feet in height may be constructed, installed or maintained on the shared and common access area without the written permission of the Board.
- e. Pleasant Bay Shared Access and Fire Access: waterfront north of 8, 22, 34, 56, 68 and 78 Pleasant Bay Road. Access is by a corridor between 34 and 56 Pleasant Bay Road.
 - i. 9 stockholders abut or are near the waterfront and are permitted to access the waterfront to install docks and for other purposes as limited below.
 - A. 16 Annex Road
 - B. 46 Annex Road
 - C. 8 Pleasant Bay Road
 - D. 22 Pleasant Bay Road
 - E. 23 Pleasant Bay Road
 - F. 34 Pleasant Bay Road
 - G. 56 Pleasant Bay Road
 - H. 68 Pleasant Bay Road
 - I. 78 Pleasant Bay Road
 - ii. Given the contour of the bay, length of the shoreline and the shallow depth of water, particularly from midsummer into fall, stockholders are encouraged to share docks, installing no more than 3 docks, not including the old concrete dock on the western side of the bay.
 - iii. Notwithstanding the above recommendation, stockholders with lots abutting the waterfront may install private docks. These docks must be centered on a stairway down to the beach in existence on May 1, 2020, or aligned with the center of an individual lot. Stockholders at 16 and 46 Annex Road and 23 Pleasant Bay Road may not install a dock, but may land and store boats on the site.
 - iv. The stockholders designated in paragraph *i* may store watercraft and beach equipment on site, keeping in mind not to overload the waterfront with the personal items at the expense of other stockholders who share the waterfront. If the designated stockholders are unable to arrive at a consensus regarding shared use of the waterfront, any of them may request guidance or intervention from the Board. Because of limited space, nondesignated stockholders are not permitted to store watercraft and beach equipment in the area.
 - v. No building, structure, site work or vegetation exceeding three feet in height may be constructed, installed or maintained on the shared and common access area without the written permission of the Board.
- f. Shore Road Shared and Common Access Community Beach: waterfront across the road from 182 Shore Road and between 167 and 191 Shore Road.
 - i. No docks are permitted. The shoreline is very limited and shallow.

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- ii. Stockholders may use the area for temporary waterfront activities, such as walking, fishing, or entering the lake for swimming or watercraft use. Users are expected to be respectful of stockholders whose lots are nearby, limiting noise and refraining from running car and boat engines, or off-hours use of area.
 - iii. No building, structure, site work or vegetation exceeding three feet in height may be constructed, installed or maintained on the shared and common access area without the written permission of the Board.
- g. Shore Point Road Shared Access and Fire Access: waterfront north of 14 Shore Point and between 27 and 37 Shore Point Road.
- i. The area is to be used primarily for fire access by fire department.
 - ii. Parking for 37 Shore Point Road is west of the waterfront access to maintain a fire access corridor to the water.
 - iii. Dock space for 14 Shore Point Road is located directly in front of the camp to maintain a fire access corridor to the water.
 - iv. No building, structure, site work or vegetation exceeding three feet in height may be constructed, installed or maintained on the shared and common access area without the written permission of the Board.
- h. South Road Shared Access and Fire Access to Danyow Island: waterfront located between 88 and 98 South Road.
- i. One dock may be installed to provide 94 South Road dockage for access to Danyow Island.
 - ii. No building, structure, site work or vegetation exceeding three feet in height may be constructed, installed or maintained on the shared and common access area without the written permission of the Board.
- i. South Road Shared Access: waterfront across the road from 127, 145, 147 and 161 South Road, and between 108 and 164 South Road. The 4 stockholders who lease these lots are permitted to access the waterfront to install docks and for other purposes as limited below.
- i. No more than 4 docks may be installed on the waterfront given the contour of the waterfront, length of shoreline, and shallow depth of water.
 - ii. The ramp near the midpoint of the retaining wall along the southwest side of South Road as well as all other breaks in the wall shall be kept open to access the waterfront.
 - iii. The stockholders designated in paragraph *i* are encouraged to share docks. If the designated stockholders are unable to arrive at a consensus regarding shared use of the waterfront, any of them may request guidance or intervention from the Board.
 - iv. The designated stockholders may store watercraft and beach equipment on site. Because of limited space, nondesignated stockholders are not permitted to store watercraft and beach equipment in the area.

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- v. No building, structure, site work or vegetation exceeding three feet in height may be constructed, installed or maintained on the shared and common access area without the written permission of the Board.

- j. South Road Causeway Entrance Shared and Common Access: waterfront across the road from 173 South Road and extending 84 feet south along the lake from the south line of 164 South Road. The stockholder who leases 173 South Road is permitted to construct, maintain, replace and use a dock and use the shared and common access area for other purposes as limited below.
 - i. No other docks or boat landings may be installed on the shared and common access area.
 - ii. No building, structure or vegetation exceeding three feet in height may be constructed, installed or maintained on the shared and common access area.
 - iii. Parking of boats, trailers and other vehicles on the shared access area is prohibited, except that stockholders who lease 170 and 172 South Road may land boats on the waterfront during periods of flooding, provided that such use does not materially interfere with the rights of the stockholder who leases 173 South Road, and the stockholder who leases 164 South Road may park one vehicle on the portion of the area abutting 164 South Road for no more than 48 hours and no more than five times a season.
 - iv. All stockholders may use the area for temporary waterfront activities, such as walking, fishing or entering the lake for swimming. Users are expected to be respectful of stockholders whose lots are nearby, limiting noise and refraining from running car and boat engines, or off-hours use of area.

3. Board Resolution of Shared Access Disputes

- a. If stockholders designated as having Shared Access rights to common land are unable to resolve a dispute over the installation or sharing of docks or other use of the waterfront, the Board, at the request of any of the stockholders, may resolve the dispute. The Board may determine the number and size of docks permitted within the Shared Access area, the placement of docks, who will share each dock and the terms of the sharing arrangement, including, as the Board may deem appropriate, the adoption of a rotation of docks and dock locations. The Board may also make other determinations, such as the number of watercraft stored on the beach. If called upon to resolve such a dispute, the Board's determination will consider all relevant factors, including the length, area and physical features of the Shared Access waterfront, the depth and slope of the lake bottom, the location of structures adjacent to the waterfront, the location of the common access and fire access points to the waterfront, and the size and construction of docks offered for sharing by the designated stockholders.

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- b. The Board's determination will be based on written submissions from the designated stockholders. The Board also may seek and consider other information as it deems appropriate. When the Board, in its discretion, deems appropriate, it may hold a meeting with the designated stockholders, after giving 14 days notice by email or other form of writing to the stockholders. The meeting may be conducted in person, by conference call, by video conferencing, or a combination of these. The determination of the Board will be final.

4. Amendment of Policy

- a. This policy may be amended from time to time as the Board deems appropriate.