

THE SUMMIT RESIDENTIAL OWNERS' ASSOCIATION
SPECIAL MEETING MINUTES OF THE
BOARD OF DIRECTORS
CONFERENCE CALL
April 12, 2021
11:30 AM MDT

Board Directors Present: Bruce Fauser
Craig Batchelor
Peter Esselstyn
Paul Peebles

Property Owner: Lance Windel

Construction & Development Team: Bob Williams
Lynne Funke
Sara Bergstron

Management Company Present: Annalise Smith, Mountain Home Management

President Peter Esselstyn called the meeting to order at 11:32 AM

Peter Esselstyn explained that the board reviewed the drawings that were submitted by Lance Windel and his team and had some concerns. Windel's team presented the submitted plans. Bob Williams stated the skier easement was not obstructed in any way. A discussion ensued regarding the driveway placement, skier easement, property lines, and the towns right of ways. Esselstyn explained that it seemed the team was taking liberties, encroaching upon the skier easement with the proposed driveway.

Craig Batchelor explained the grooming process and the fact that the groomers will not cross over private driveways to groom through to the Black Diamond cul-de-sac. Esselstyn stated the plans are clearly impacting the snow removal. Esselstyn explained he understood that the proposed drawings do not show the easement extending to the asphalt, but that is the intent of the recorded skier easement. Williams stated his team could potentially move the driveway over and ask for a variance from the town to shorten the driveway.

The discussion continued regarding the skier easement, heated driveway, and the current power box location that appears to be in the middle of the easement. The board considered potential options for having the power box relocated. Esselstyn asked Windel's team to update their site plans to show the existing power box. Their team agreed to add them to the plans. Esselstyn reiterated the HOA's priority in protecting the skier easements and offered to walk the property to see exactly where the power box was located. Fauser asked if the association could contact GCEA to move the electrical box and Windel stated GCEA may charge somewhere around \$8,000 for the relocation.

Paul Peebles asked Windel how the home would be used. Windel stated this will be a personal house for him and his family. Windel explained his business partner is also a homebuilder, but that this home will be for his personal family. Peebles asked if Windel had any concerns about rising building costs. Windel explained they are concerned but he also owns a building material company.

Peebles raised concerns over the impact this build would have on adjacent home and lot owners and the overall engineering of the stabilization. Williams explained he has been in business over 50 years and has a lot of experience in Mt. Crested Butte. Williams stated the issue with this lot is the moving soil which is why he hired Richard Johnson to assist with the stabilization plan. Williams described how the hill would be pinned back to hold it in place and that the entire house would be set on piers of shale which would be embedded with the slope of the lot. Williams expressed his comfort with the design that would be certified by two engineers. Esselstyn stated the plan looks ok but the board is concerned with the "what if's" of the project, especially with the engineering that states "no warranties, expressed or implied" and the well-known, persistent problems with the stability of the lot. Williams explained nothing is guaranteed with soils but believes they are mitigating potential problems with the hill. Williams stated he will have Richard Johnson address the board's concerns.

Esselstyn mentioned there are other ways to protect against issues that arise such as sureties and bonds to allow for more comfort in approving the plans. Williams stated Richard Johnson will address the matters and has much experience with stabilizing major slides along I-70. Esselstyn reiterated his concerns with the work and the impact it will have on

adjacent properties. Peebles asked about other properties on the hill and the impact slope mitigation has had on other lots. Batchelor stated that to his knowledge, no other slope mitigation projects have impacted adjacent lots.

Peebles explained the board is concerned about the liability of approving a project that may impact other properties and lots. The board discussed options for reducing liability risks, including surety bonds. Lance asked if any other homeowners have had to put up surety bonds as he feels this request is excessive. Esselstyn explained that although the board has not made this requirement in the past, since they know their history of this lot, they must be diligent. Although Windel expressed his understanding with the logic, he also expressed his dissatisfaction with the board potentially requiring him to spend more money on a surety. The board discussed additional options with Windel and explained this would not be for perpetuity, rather to ensure the project does not negatively impact the neighborhood.

Esselstyn stated the two main concerns at this time are the driveway encroaching on the skier easement and the slope stability. Fauser asked Williams if he had worked with any previous homeowners on this lot and asked for worst case scenario. Williams stated he does not see any consequences with the stabilization. Fauser stated the board would just like to prevent scars in the valley that can be seen from previous attempts at construction on unstable hillsides.

Peter explained that the board will meet with the association's attorney to discuss their concerns and how to move forward. Williams asked if there were any other issues that needed to be addressed. Windel expressed his desire to keep the project moving forward and get these issues resolved quickly. Esselstyn asked for an updated set of drawings and committed to responding in about 10 days.

There being no further business, the meeting was adjourned at 12:46 P.M.

Respectfully Submitted:

Approved By:

Annalise Smith, Recording Secretary

Peter Esselstyn, Association President