

THE SUMMIT RESIDENTIAL OWNERS ASSOCIATION  
SPECIAL MEETING MINUTES OF THE  
BOARD OF DIRECTORS  
CONFERENCE CALL  
April 2, 2021  
8:45 AM MDT

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

Association Legal Counsel: Jon Schumacher

Management Company Present: Annalise Smith, Mountain Home Management

President Peter Esselstyn called the meeting to order at 8:47 AM with 4 of 5 board members present.

Peter Esselstyn explained there were two things he wanted attorney Jon Schumacher involved in for Lot 3/ 5 Black Diamond Trail. Esselstyn mentioned this particular lot has changed hands several times and has well known slope stability issues. Esselstyn reviewed Lance's plans to stabilize the soil. Another issue is that Lance's driveway seems to cut across the skier easement on the proposed plans. Bruce Fauser mentioned adding verbiage regarding skier easement protection to the association's bylaws, making them enforceable and forthright.

Schumacher stated the skier easement pertaining to Lot 3 is a 10' wide skier and pedestrian easement adjacent to Lot 4. Schumacher explained the easement is enforceable and if the board believes the driveway will interfere with the easement, the board can deny the plans. A discussion ensued regarding the interference of the driveway on the skier easement. Craig Batchelor explained there was a similar issue on another lot that defeated the purpose of the ski in, ski out easement.

The board discussed the proposed foundation ground anchor plan and lot stability issues including the impact the work may have on neighboring lots. Schumacher stated an engineer's opinion will be necessary. Schumacher explained that if the proposed work causes damage to adjacent lots or homes, there will be personal liability to the applicant. Laird recommended requiring Williams Engineering to write and sign off on a report regarding the proposed work. The board discussed hiring an independent firm to review the plans.

Batchelor listed additional concerns including dirt hauling, dewatering pumps, and timelines. The board discussed the process for town approval and board liability issues. Fauser asked about the engineering being completed with a soils report that was done three years ago. Schumacher explained the standard care of industry standards. Laird mentioned that the age of the soils report seems fairly standard in the industry and that Williams Engineering should address the impact to the adjacent lots, properties and easement. Schumacher concurred.

The board discussed moving forward through the review process with comfort and stability with their concerns. Schumacher stated getting additional input from another engineer on behalf of the association would be advisable. Schumacher mentioned asking the homeowner to secure a bond will be difficult because he does not know what amount of bond will be sufficient.

The board will continue to review this matter. Peebles suggested getting the architects, owners and engineers together for another presentation on the build with the boards set of concerns.

**Unfinished Business:**

Batchelor suggested the board respond to the Swiss Chalet team. Batchelor explained that he discussed some issues with Todd Carroll and there was indication that additional square footage has been added to the structure. Esselstyn stated the plan to move the condensers on the east side should be accepted. Esselstyn asked Mountain Home Management to put a response together for the Swiss Chalet team. The board discussed the noise made by the boilers and possible solutions.

The following motion was made by Bruce Fauser:

**MOTION:** To add additional verbiage to the bylaws regarding skier easement and protections, and to institute noise guidelines with any noise generating devices that will require being addressed at the preliminary plan review.

**SECOND:** Paul Peebles

**VOTE:** Unanimous Approval

The following motion was made by Craig Batchelor:

**MOTION:** To accept the relocation of the condensers and revisit the relocation of the vents on the Swiss Chalet house.

**SECOND:** Peter Esselstyn

**VOTE:** Unanimous Approval

There being no further business, the meeting was adjourned at 10:18 AM.

Respectfully Submitted:

Approved By:

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Annalise Smith, Recording Secretary

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Peter Esselstyn, Association President