

**SUMMIT RESIDENTIAL OWNERS' ASSOCIATION
MEETING OF THE BOARD OF DIRECTORS
MARCH 3, 2022 – 4:00 P.M.
VIA ZOOM**

Present:

Bruce Fauser
Peter Esselstyn
Paul Peebles
Tracey Haas
Chet Boyce, Toad Property Management
Jon Schumacher, Legal Counsel
Sandy Funk, Lots 12, 20, 22, 24, 25, 26
Tim Gueramy, Lot 31, 32
Joel Vosburg
Craig McManus

Chet Boyce called the meeting to order at 4:02 p.m. and said notice of the meeting had been mailed on February 21, 2022. Chet confirmed that a quorum was present.

Bruce Fauser made a motion to approve the minutes of the February 15, 2022 Board Meeting. Peter Essenstyn seconded the motion, and it was unanimously approved.

Chet said that the purpose of the meeting was for the Board to discuss the amended Design Guidelines.

Bruce Fauser briefly summarized the historical context for the change to the Design Guidelines. Bruce said that shortly after the Swiss House was approved, the entire Board realized that the approval had been a mistake, but determined that they did not have the ability to prevent construction of such a large structure. As a result, in July 2017, the Board unanimously approved an amendment to the Design Guidelines to limit the maximum size of a structure built on combined lots to the maximum size that would have been allowable on any single original lot, prior to the lot line vacation. However, although the Board passed the amended Design Guidelines on to legal counsel, the Amendment was never officially recorded. Bruce said that when the Board voted in 2021 to amend the Design Guidelines, they were reaffirming a decision that had been unanimously made by the Board 5 years prior. Bruce said that the current Board had acted in good faith and followed all guidance from legal counsel when they voted on the amendment in 2021.

Jon Schumacher, legal counsel to the Association, agreed with Bruce's characterization of the history of the Design Guidelines and specifically agreed that the Board had acted in accordance with guidance from counsel when they voted on the amended Design Guidelines in 2021.

Peter Esselstyn agreed and said that the 2021 update to the Design Guidelines was purely an administrative issue, cleaning up an oversight from 2017 in which the amendment had not been officially recorded. Peter added that the 2021 vote on the language had been passed by the Board 4 to 1.

Jon Schumacher confirmed that he believed the Design Guidelines, rather than the Covenants, was the appropriate document to place limits on building footprints in the Association.

Tracey Haas said that she owned adjacent lots and wanted to preserve the right of a future owner to vacate the lot line to expand the footprint of her home, which was currently at the maximum footprint for one lot. Tracey said that the amendment language adopted in 2021 was different from the language approved in 2017 because it addressed maximum footprints rather than maximum square footage.

Bruce Fauser said that his primary concern was preserving the original character of the Summit neighborhood, which he felt conflicted with very large homes such as the Swiss House and any other home that would be constructed by combining lots to increase the maximum allowable footprint. Bruce added that the Swiss House was continuing to create an issue with litter, noise, and parking even after completion. Bruce said that there was a variance process in which owners could still request to build a home with a larger footprint.

Tracey Haas said that she thought that the concern being expressed by other Board members was a concern about excessive square footage rather than a large footprint. Tracey said that she was open to discussing a decrease in the maximum allowable square footage, but thought that owners should be able to add garages or otherwise expand the footprint of the home across adjacent lots.

Joel Vosburg, proxy to Sandy Funk, said that he had sold adjacent lots to owners in other subdivisions in Mt. Crested Butte to build Accessory Dwelling Units or garages. Joel argued that allowing owners to build accessory dwellings or small buildings on their adjacent lots led to a less dense neighborhood than having a large home on each lot. Joel added that taking away the ability to build on an adjacent lot could decrease property values.

Peter Esselstyn said that, in contrast, Board members who had voted for the change believed that preventing excessively large homes from being built would actually support property values by preserving the quality of the neighborhood. Peter added that Accessory Dwelling Units were not allowed by the Design Guidelines even prior to the amendment.

Bruce Fauser said that the Board had voted in favor of the change because they did not want to find themselves in a position where they were powerless to enforce their own Design Guidelines. Bruce said that the change to the Design Guidelines gave the Board more ability to retain the spirit of the neighborhood, but did not mean that the Board would not approve variances.

There were some suggestions of potential compromise language. Tracey Haas suggested that the Board allow owners to expand the footprint of a home by vacating the lot line, but limit overall square footage. Craig McManus, proxy to Sandy Funk, suggested that, after vacating the lot line, the owner only be able to use 50% of the increased footprint.

There was some discussion of the notice requirements for Board meetings. Jon Schumacher explained that notice to the owners was not required for Board Meetings, and CCIOA only required that the Board make meeting agendas “reasonably available” to owners. Chet said that Toad made agendas reasonably available to owners by posting them on the Association website. Jon said that the Bylaws require a 10-day notice for Board members, but Board members waive the 10-day notice by showing up to the meeting and not objecting to the notice period. Tracey

Haas advocated for maintaining the 10-day notice period to facilitate participation in meetings by all Board members.

Jon Schumacher said that the current Board was very transparent, and it was possible, in the spirit of transparency, to hold another meeting to take a straw vote among owners who wanted to discuss the issue of the Design Guidelines. However, Jon emphasized that it was ultimately up to the Board to make the decision of whether to keep the Guidelines as amended.

Sandy Funk recommended holding an owners' meeting to further discuss opinions on the Design Guidelines.

Peter Esselstyn said that he had received calls from other owners in the neighborhood who were in strong support of the update to the Design Guidelines. Peter emphasized that he was not in a rush to change the updated Design Guidelines, which had been adopted properly. Peter said that the Board would keep things the same for now and continue the dialogue on the subject.

There was some discussion of the individuals on the call who were participating as proxies for owners but were not themselves members of the Association. Several Board members advocated for discussing the Association's policy on proxies at a future meeting.

At 5:00 p.m. Bruce Fauser made a motion to adjourn the meeting. Peter Esselstyn seconded the motion, and it was unanimously approved.

Prepared by Rob Harper,
Toad Property Management, Manager