

SILVERHEELS NEW AMENDED COVENANTS COMMITTEE (SNACC)

Minutes of 03/16/22 Meeting

(7:00 PM via Zoom)

Approved at 04/13/22 Meeting

1. Attendance

Members Present: Susan Barden, Tony Boccio, Luis Canales, Ann Erdle, Natalie Gorak, Lesley & Ed Hall, Lane Mathison, Tyler & Kylie Pontius, Charlie Schultz, Maria Smaldone, Jeffrey Togie, Lillian Wissel

Members Joining Late: Steve and Gail Kloppel, Maria Mitchell, Zach Loos

Members Absent: Rich Bainbridge, Mary Manka, Mike Peterson

Members Leaving Early: Ann Erdle

Quorum: For roughly the first hour of the meeting we did not have a quorum of 16 voting members (which meant no votes could be taken, but discussion could proceed). After several Members joined late, we achieved a quorum.

2. Minutes of 03/03/22 Meeting.

Review and approval of the 03/03/22 Minutes was postponed at the outset of this meeting because a quorum had not been yet met. After we had a quorum, we did not return to this topic before the end of the meeting; therefore, review and approval of the 03/03/22 Minutes must await the next meeting.

3. Continue section-by-section review of proposed modifications to Article 2, using Draft v7.

Section 2.7 Architectural Review Committee

A week before the meeting, JB had provided Draft v7 of the Articles, which included a draft of Sect. 2.7 as proposed by Natalie at the last meeting which JB had edited for clarity and consistency with comments expressed at that time:

The Architectural Review Committee (“ARC”) exists to assure, through architectural review of Owners’ proposed design, placement and construction of Improvements, that the Subdivision shall be and remain an attractive community, shall continue to uphold the Intent of these Covenants as expressed in Section 1.2, and shall uphold and enhance property values.

Charlie noted concern regarding the “construction” aspect of this language, since the County, not the ARC, oversees actual construction. Ensuing discussion clarified that the only role of the ARC would be to confirm whether the actual construction conformed to the plans previously submitted to and approved by the ARC.

Lesley suggested a shorter version of the entire provision:

The ARC exists to review Owners' proposed construction of Improvements that require a Park County building permit to ensure that the covenant requirements are met.

Some members expressed that Lesley's language would limit the scope of the ARC to only what the County oversees and would not take into account additional issues addressed by the SROA Covenants. Concern also was expressed regarding the County's lack of regulations related to quality, completion of improvements as set out in the submitted plans, and the loose manner of applying regulations. Lane noted that in his recent experience as a builder, the County has tightened its expectations for quality of construction and completion of construction per plans submitted. Even so, some Members were concerned that if the ARC did not have the authority to determine whether construction was conforming to approved plans, difficulties could escalate and leave more difficult and complicated problems for the Board to address later on. The question was asked what the purpose of the ARC would be if they only dealt with situations involving County regulations and not the Covenants. Some members voiced the need for a broader charge for the ARC. Having a limited ARC would not allow for any review when Owners want to build projects that don't require County permits, thus possibly creating situations that are untenable for Silverheels as a residential community.

All agreed that Owners have the right to change their plans for proposed Improvements, but it also was suggested that when changes are being made the Owner should notify the ARC of such changes. This will be addressed when we get to later Sections in Article 2.

Considerable discussion also ensued regarding the use of the terms "architectural" and "design". Some felt "design" was a subjective term and could leave too much to the discretion of the ARC. Instead the focus should be on the terms "size, elevation, color and placement". Charlie expressed his view that "design" should not be viewed as relating to detailed architectural specifics but to the total concept of the project. JB pointed out that provisions in subsequent sections would address specifics, at least to some degree. He suggested changing the wording to "overall design" as a way of broadening the focus of this section. JB then suggested the following language to address various points made so far:

The Architectural Review Committee ("ARC") exists to assure, through architectural review of Owners' proposed overall design, placement, and conformity of construction to design of Improvements, that the Subdivision shall continue to uphold the Intent of these Covenants as expressed in Section 1.2.

After we achieved a quorum, Charlie made a motion which was seconded to approve JB's wording. Discussion continued with the suggestion that the term "architectural" be eliminated and "design" being replaced with "plan". Lesley continued to advocate for wording which would limit ARC review of Improvements to only those that are subject to County permits.

Natalie asked if something didn't need a permit, who would review it? Charlie again noted that if there were no ARC review/approval process for an Improvement that did not require a County permit, then it would be only after the Improvement was built and neighbors began complaining to the Board that the problem could be addressed. Part of the ARC's role has been to address those kinds of issues at the front end before construction, rather than after the fact when they are much more difficult to resolve.

Since Charlie's motion was still on the table, he was asked if he would agree to further amendments. Instead he declined and withdrew his motion.

Discussion on wording continued. As a compromise, Lillian suggested the addition of the word "and" to Lesley's proposal:

The ARC exists to review Owners' proposed construction of Improvements that require a Park County building permit AND to ensure that the covenant requirements are met.

Lesley declined this modification as not consistent with her intention that the only thing the ARC could review was a project that required a County building permit.

Because of the impending end of the meeting at 9:00 PM, JB suggested a head-count as to how many members were inclined to accept Lesley's wording. The vote was split 8 for and 8 against. After additional discussion and with the session coming to an end, JB suggested that he would review wording alternatives with Lesley and Charlie and then draft alternatives for presentation at the next meeting. All agreed to this.

4. New business.

Kylie asked for a volunteer to write a letter regarding SNACC for the SROA Newsletter. Maria Smaldone and Susan Barden volunteered to work on it.

JB explained that the hybrid Zoom/in-person meeting suggested for tonight turned out not to be possible because of the technical challenges associated with trying to have good sound and video for a large group. Instead, he and Kylie proposed the idea of having a potluck that would be devoted to socializing and would not take place during a SNACC meeting.

5. Next meeting; Homework

The next meeting will be Wednesday, 03/30/22 at 7:00 PM via Zoom.
JB will be sending reworked proposed versions of Section 2.7 before the next meeting.

6. Adjournment

The meeting was adjourned at 9:06 PM.