

# LAWSON HILL PROPERTY OWNERS CO.

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## **DRAFT MINUTES OF THE BOARD OF DIRECTORS MEETING Wednesday, June 29th, 2022**

Meeting Held on ZOOM, Pam Hall was present as staff

**ROLL CALL AND DETERMINATION OF QUORUM:** Members present were Laura Ellison, Shane Jordan, Stu McCreedy, Matt Kuzmich, Bill de Alva and Dean Bubolo

### **1) MINUTES:** Reading and approval of the Draft May 10, 2022 Meeting Minutes

**Motion:** Bill made a motion to approve the draft minutes as presented, Matt seconded, and the motion passed.

**Motion:** Shane made a motion to go into executive session, Stu seconded, and the motion passed.

### **2) EXECUTIVE SESSION:**

**Motion:** Shane made a motion to come out of executive session, Stu seconded, and the motion passed.

Melissa Ramponi joined the meeting.

### **3) OLD BUSINESS:**

#### **A. Response from Joni Sandoval, EPA and Mark Rudolph, CDPHE:**

The board discussed the emails Lawson Hill received from both Joni and Mark. This appears to leave the options for the mine tailings cleanup to be limited to the EPA. Mark said the State has no funds available for the cleanup and if Lawson Hill paid, they may have liability. It was never anticipated Lawson Hill would have any cost or liability. We are not willing to accept any cost or liability for a cleanup of tailings that were never our responsibility. Working with CDPHE would have required Idarado to accept the cost of the remediation and the liability.

Pam said her conversation with Joni confirmed the EPA believes Idarado does have full responsibility and the EPA has sent a letter to Idarado asking them if they wanted to clean up the site themselves or have the EPA do it and reimburse them. There was no response to date.

Shane asked Bill and Dean to comment on this process as they had been opinionated in the past. Bill said he believes based on these letters it is out of our hands and we have very little option in determining how the tailings are mitigated. It was made clear to him that any programs through the State are not available. We can still give comment and share our concerns with our local EPA Rep and local government officials. Dean agreed with Bill's comments. Shane asked what our next steps are. Pam said we will talk to the County. We will partner with them in coordinating access. Joni told Pam her next step was to do more testing, digging deeper and accessing the quantities and then start working on the plan. Pam said she shared our concerns with Joni on how the EPA have left the Forest service remediation and Joni confirmed they are not finished and have not completed the final revegetation. Once they have a plan, they will share it with us for input. Shane asked if anyone on the board wanted to be responsible to attend meetings and stay on top of this. Bill said he will pay attention as best he can, Dean said he is up for staying on top of this too. Shane said he was not asking Matt, Stu and Laura to stay out of it, but he wanted designated board members to take ownership of this process. Dean said there will be public meeting necessary with Lawson Hill owners once a plan is formed. Pam clarified that when we took ownership of these parcels, we were well aware of the issues the parcels had and that is why they are held by a separate corporation, not Lawson Hill Property Owners Co.

- B. **Pedestrian Path Bids:** Shane said both bids are from good companies. They are both capable. Pam said neither bid has the handrail included. We still need that detail to get a bid by steel manufacturers. The raised cross walk is missing from ACM's bid. He needs the specs for the raised concrete crosswalk. Still ACM shows a significantly better price. Shane said he expects the bid to creep up but the difference in cost is significant and he would lean toward ACM. Matt agreed. Pam said that Ballode likes ACM because they have done a lot of Hilficker wall here. The landscaping is also not included in these bids. Bill asked if we wanted to see if Landscapes by Lance would want to bid the whole project. Matt said he supports keeping the landscape bids separate. Pam said TGI has been difficult to schedule, they are very busy. Bill said he supports using ACM. Going back asking for bids for the whole project would set us back to the point that we would not proceed this year. Bill said there is coordination necessary so that ACM leaves the finished grade close to what is necessary for the landscaping. Pam said she can ask ACM how they intended to leave the grade.

- C. **Overlay Bid:** Pam said the bid from TGI for \$183,000.00 was for the area from just past the second entrance of Conoco to just past Cindy Bread. Pam said TGI does not do a chip and seal. Shane asked for clarification on what chip and seal offers us. Is it a band aid? Bill said he would consider it standard maintenance to help preserve the asphalt. The board agreed we should accept this bid and get onto their 2023 paving schedule.

Sofia Marcheva and Ignacio Aedo joined the meeting.

- 4) **WORKSESSION:** Sofia Marcheva and Ignacio Aedo. Sofia said she is harassed every time she takes her dog for a walk. Last week she was accosted at night by a man who screamed obscenities. She says she notifies the HOA and has been told you as a board will not address harassment. The board confirmed they are not responsible for interactions between neighbors. It is not within their authority. She does not feel she should be fined for her dog getting outside off leash. Ignacio said the dogs are part of the medical treatment and they should not be harassed. He sees poor behavior in Lawson Hill. He thinks if you see a dog you should assume it is a permitted dog.

Sofia made additional accusation about an owner she claims harassed her and she has applied for a restraining order against him.

Shane said we had a meeting with the owners a few years ago and discussed the issues and complaints with the ESA dogs living in a no dog community and we were asked to adopt a policy, which we did. This board is not a policing board. We set policy. We are seeing too many complaints about dogs, so the policy is not being adhered too. We can continue discussing this, but the board is looking for outside options to help with this. It has become a burden to the Lawson Hill board and the management. Bill confirmed we set policy and we are not a policing board. The management has no authority to deal with issues between neighbors. This is a civil matter that should be handled by the police.

Ignacio thought an email should be sent saying to leave owners of dogs alone. Bill tried to clarify if Ignacio wanted the board to get involved in conflict between residents because that would not happen. It was clarified the Lawson Hill board and management have not requested owners to police the regulations, but instead if they do wish to file a complaint, they need to provide documentation, a signed statement or evidence to support the complaint.

Ignacio says the board is setting a mine field, he understands there is a “no dog” rule, but it would work better if we could live without fear. Ignacio wants emails sent stating not to police the dogs and not to harass owners with dogs because these are mostly permitted.

Sofia asked about her right to be on Elk Horn Court. Shane said the issue is these are private access tracts. It is private property. We need these owners to either take over these roads or we take them over and make them a public road.

Shane said the board is considering the confusion over the status of these roads that are access easements over private property. Shane said it is a grey area and we do not have a clear answer to provide and have asked for legal advice.

Bill shared his opinion about the private verses public access being tied to maintenance.

Shane said the board can consider sending out a reminder about the policy and that owners should not be harassing owners who are complying with the rules in the policy. Bill said an email had been sent asking owners to respect the rights of owners with ESA dogs. Ignacio asked for a copy and Bill said he could try to find it.

Melissa Ramponi said someone put their own signs up saying no dogs, wildlife corridor on the water tank road. She took it down. Shane asked for the map to be brought up to determine where they are allowed. Shane said the board will work on an email with the ESA policy and zones where dogs are allowed to be. This is a reasonable effort for the board to undertake. Melissa asked when they might expect this email and Shane said he did not know we needed clarification from our attorney. Maybe 2 weeks. Shane said we need to move onto the County meeting and end this work session.

Stu thought his backyard open space track could be a dog park. Shane said his fear is a dog park would quickly become out of control. They do have areas they can walk them in that area, and they must clean up after their dog and be on a leash at all times. Bill said we should define where they can go and create a map.

- 5) **SAN MIGUEL COUNTY:** Mine Tailings: Pam and Dean had left the BOD meeting at 10:40 to join the scheduled BOCC meeting. They reported there was no significant new information, but both the County and Lawson Hill said they are committed to keep each other informed and to work together through this process.

DRB Members Joined the Meeting, Members Present: Banks Brown, Michele Hanes, Noah Sheedy, Dean Bubolo, Shane Jordan and Brad Hamblin

#### 6) **WORKSESSION: Ryan Kusuno Development Lot L**

Shane clarified who would run the work session, he as president of the board or Banks as chair of the DRB. It was decided Shane would continue to run the meeting during the work session. Pam clarified for the benefit of the board members that this is a work session only, and no action or approvals will be offered, this is only for comments, feedback and direction to the proposed plan.

Ryan took control of the screen so he could share his sketches. He explained where the site is located and that Telecam the developer of Lawson Hill still owns it.

Lot L is a 2.09-acre lot, zoned Industrial with 29 units of density and a zoned population of 86. Combined allowed square footage 45,900 square, and 81 parking spaces. Ryan has had meetings with the County and some people from Lawson Hill. Matt asked who he

had met with from Lawson Hill. He said he met with Pam and Dean, and some word of mouth among neighbors. He also said he spoke with our attorney Tom Kennedy a lot about this, and Tom wanted to make sure neither us ham stringed the other. Ryan said they would like to proceed with this project in three phases. Banks asked for the plat map to be shown.

Ryan went on to state that during their many conversations with Tom Kennedy, they determined to do this project in phases. The first phase approval would be mass and scale, the road and approval to clear the lot. They would come back later with the design elements for the vertical build. They want overall approval of their master plan now. He went on to say they are allocating space into lots, but not technically lots because Tom Kennedy told them this would be a townhome condo project and not individual lots. They have one retaining wall shared among many units, so they construed this to be one building even though there is a 10' separation between exterior walls. The Lawson Hill guidelines call for a 20' separation between buildings which they do show among the two large grouping of units. Ryan said they want to put in their deep utilities, water, sewer, gas and conduit for future fiber and then the road. Ryan said there are two tandem parking spaces between the buildings.

Banks said to Ryan, you have done a lot of work on this without any approval from Lawson Hill. He asked why single structures instead of multifamily with shared walls were not considered, where they could leave some trees. Ryan answered they thought it was better to not share walls for lifestyle and it made a better customer product. Banks said you are going to have a massive parking issue. Ryan clarified garages do not count toward required parking, so they were reluctant to build them. Shane asked if there was any discussion with the school district to absorb their 4 plex property and rebuild those units and make the whole plan work better. Ryan said no, but they had discussed donating land to the school so the school could re-build their units.

Ryan said they are trying to keep the trees around the hairpin turn. He said Lot E is going to be developed as well. He brought up the sketch up view to show how it will look. Stu asked what tandem parking is. Ryan said front to back. Stu asked, has anyone ever seen tandem parking work? He went on, one will be storage and one will be for a car. Ryan said they were providing storage. Michelle asked, how will you mitigate the snow shed from falling on the cars. Ryan said snow guards. He said these are not exactly fully designed.

Dean asked why he didn't see a garbage location or post office boxes. Ryan said he has talked to the Post Office and there are not extra boxes available, so maybe he could locate PO boxes in the open parking area. Ryan said they plan to use the community garbage the same as everyone else.

Michelle said she supports building housing where there are existing services.

Pam questioned why Ryan has had so many meeting with Lawson Hill's attorney and she asked if they had hired Tom Kennedy. Ryan said no they had not hired Tom; he was speaking on Lawson Hill's behalf. Pam said that we had not had any conversations with Tom Kennedy about this project and if he was representing us, why would we not have been included in the meetings? Pam went on to say that the PUD, Declaration, Fire Protection Plan and the DRB guidelines call for a minimal of 20' between buildings measured from the furthest most extension of an exterior wall. This plan has ignored that requirement, and Lawson Hill has historically adhered to the 20 feet between all exterior

walls. Pam said they may construe this to only be two buildings because of the shared retaining wall, but from a design perspective this does not read as one building, but instead the proposal reads as 22 single, free standing units. Banks said he would like to piggyback on Pam's comments by reminding them they have taken the numbers and shown the maximum possible, but DRB is not limited by these numbers and can determine this is inappropriate. Giving this project legs without knowing the full extent of the plan is a mistake. You may have checked all the boxes, but this does not check my boxes!

Dean asked if it was normal for a project to come to the board in stages without the details. Michelle said in the Village they would expect to see the entire plan and then work with the applicant on phasing. Pam said Lawson Hill has never approved a plan without a complete application showing the full extent of the plan. We do not make approvals in phases. Noah was asking about the number of units and if they would come back and allocate the square footage later. Ryan said they plan on using the 29 units so 7 of the buildings would be duplexes. They want to serve a broader menu of customers. Ryan said there will be some units with a first-floor unfinished shell for an office, or shop, or studio and be live work. Ryan said they are trying to acquire more density from a neighbor, and they will make two more duplexes instead of live work if they succeed. Noah asked if the workspace can be converted to living space down the road. Banks said if you convert this to a studio, you need two more parking spaces.

Ryan said he appreciates the feedback.

Matt said this looks too tight and parking is a huge issue. Many homes have 4 cars and older children drive. He also said they should consider building their own trash facility because the current one is maxed out. Ryan said he would take the trash into consideration; he has some space.

Dean asked about the drainage they have planned. This is a lot of roof and a lot of asphalt. The current drainage comes down the road and crosses Society Drive in a culvert onto Mountain School property. Ryan said they would dump it all into the existing ditch. He then spoke to line of sight at the entrance off Society Drive. Dean reiterated that piece of culvert going through the school was not designed to accommodate additional water from Lot L. Pam said we require a full drainage plan as part of a complete application, and it is missing.

Shane said he shares the opinions that other members have shared but also would recommend developing some play areas within the project for the folks who live there. He thinks developing pedestrian access is also important. Shane reiterated the trash is very important component. This next comment is to the forms, he suggested they try to alter the heights or setbacks to break this up. It is too repetitive and cookie cutter like. Shane asked the board if the DRB would even consider granting approval for the road prior to submitting a whole plan? He said the parking along their drive should be screened with landscaping. He does not want to see the entire retaining wall covered in corrugated metal. It should be a natural material such as a Boulder or Hilficker wall. Banks said he also wants to see the forms broken up with varying pitch and height. Banks agreed with Shane he wants to see the landscaping buffer to screen the parking from the trail. Shane said leaving as much of the mature vegetation as possible is important.

Noah said the hairpin turn is not a place for kids to be playing.

Pam said per the Individual Treatment Area (ITA) for Lot L it allows for up to two curb

cuts. They have only one shown on the final plat. She pointed out this plan is asking for a third curb cut for a single structure. This is not allowed per the guidelines and could easily be a safety issue on the upper curve. Ryan said they brought up the removal of the access easement during the final plat of Lot L with Kaye Simonson, SMC Planner who thought possibly the reason the access easement was vacated was because they did not need an access easement onto their own property. Pam said she and other community members attended those meetings which took place in 2005. Lawson Hill residential owners requested the County remove Evergreen as access during the final plat process due to concerns about additional cars accessing on Evergreen on the Society Drive curve. Those concerns were heard, and the second access was removed during the final plating process. Pam stated it is ultimately up to DRB if they want to consider a second access for this project.

Shane asked if Brad had any comments. He said in the early years the roads were put in first and lots with a footprint were sold. He thought we should not ask for everything, but he is concerned with the density. He said a Ford F-150 is about 6' wide and if you open the doors, they will hit the buildings under the proposed tangent parking within the 10' wide separation between structures.

Ryan summarized that he missed the 3<sup>rd</sup> curb cut, the trash building, combining units, and the drainage. He said the retaining wall is a Hilficker and he thought it would be good to cover in rusty metal, but if that is not desirable, they can reconsider.

Noah asked about the sidewalk between the row of units. Ryan said the idea would be to have the kitchens on the second floor and they would have access for ADA from that level and it could be used for placement of grills. He would like to put decks on that side too. If the master was top floor a balcony deck could be considered. Noah brought up storage being important.

Pam asked what the next step is. The board said they would like to continue this discussion among the board members only and so they could summarize the direction for the applicant and give them written feedback quickly. Ryan left the meeting.

The board worked to combine their comments.

The final comments provided to the applicant are below:

- Provide Conceptual Building Plans including elevations and dimensions per the submittal requirements outlined in the design guidelines.
- Provide drainage plan.
- Boards require 20' minimal separation from all exterior walls, per DRB guidelines, PUD and Declarations to assure consistent design with existing Lawson Hill development.
- The board recognizes the proposed access road per the plat for Lot L off Society Drive, a second access over the existing driveway called Evergreen would be taken under consideration but has not been approved.
- They will require a landscape buffer between the parallel parking and the trail adequate to screen the cars from the trail.
- Industrial Lots are required to provide their own bear proof trash facility.
- Post office boxes should be provided for all units.
- Break up the mass and scale to not appear as repetitive as was shown in the sketch up presentation. This may be achieved by varying heights of buildings or stepping

units back from the driveways in a varied way. Combining multiple units into one building is encouraged. Mixing roof lines and facades.

- DRB approval will not be granted for the site preparation, driveway/road or utility installation for the entire development without concurrent approval of final building designs. It may be possible to phase the project and required approvals via submittal of completed designs for structures and associated infrastructure for the proposed first phase. It would be preferable that you submit final designs for the entire project together with a proposed phasing plan for construction.
- Come back to both boards in a second work session with new mass and scale ideas.

### **Continuation of Old Business**

D. **Wells 1 and 2:** Pam said she made contact with a well driller out of Cortez who could test the well head to see if it produces. Laura asked for the permit numbers. Bill said we should start by looking up the well permits at the state. He offered he could do that because he had recent experience with navigating the state site. He said if you poke around the site you can find everything they have on the wells. He can share what he finds via email.

### **7) NEW BUSINESS:**

- A. **Society Drive Chip and Seal:** Pam said Sealco was expected to provide pricing but TGI no longer does chip and seal.
- B. **Eckman Request for Staging:** The board discussed Eckman's request to stage modular units on Lot HI. Shane said we should come up with a reasonable rental rate, comparable to other rates we have charged. Matt suggested a \$100. Per unit, per week, for up to 4 weeks, for 8 units max. A total of \$800.00 per week. Any time beyond 4 weeks the rate doubles. We also would need an additional insured certificate for liability from his company.
- C. **Aldosoro Parking Space Swap:** Pam explained that there are allocated parking spaces for Aldosoro per the shared maintenance agreement for S-1, M, N and O. They have a space in the middle of the lot, first closest to the trash building. They would like to put up a reserved parking sign. It is an awkward place to put a sign. Pam suggested we trade spaces so they can have one in the middle, nose into the landscaping and easy to put up a sign. The board agreed this made sense. It could be accomplished by an amendment to the current agreement. Pam said we could do it as a



handshake deal for now and work toward an amendment. Bill said we would only need a motion if we were going to amend the agreement.

D. **Other:** Shane asked if the town is finished painting the water tank. He did not think it looked good. Pam said she would have a look.

8) **ADJOURNMENT:** Shane moved to adjourn, Matt seconded, and the motion passed.