

# SOMERSET ESTATES HOMEOWNERS ASSOCIATION

Maximizing Home Values, Quality of Life, Positioning as Premier Community

## What's Up #76: July 19, 2022

### No July Board Meeting

Due to Board members traveling, the July Board meeting is cancelled. The next scheduled meeting is August 16 at 6:30 PM.

### Approved Change to Fence Policy

The Executive Board approved a change to the SEHOA Lot Easement Policy paragraph on fences at the June 21 meeting. **The primary effect of the change is that the homeowner, and not SEHOA, is responsible for perimeter fencing on his/her lot adjacent to public areas such as pathways and open space** (as well as fences within a lot). SEHOA continues to be responsible for all common area fences and the fences along Somerset Dr and Longview Dr.

The matter of responsibility for the various fences has been a subject of debate for many years and was addressed in What's Up #74 and 75. The Board received feedback from homeowners both in favor of and opposed to the policy change. **Some homeowners, including those on the Architectural Control Committee (ACC), expressed concerns about the new policy, particularly about a negative aesthetic impact to our community that may result from inconsistent and inadequate maintenance.** The Board acknowledges these concerns and appreciates all the feedback received.

One of the Board's core responsibilities is to interpret our governing documents and to ensure common funds are spent appropriately. The Board reviewed the Declaration and the Colorado Common Interest Owners Act (CCIOA), with advice from legal counsel, and determined that the perimeter lot fencing is not a common element. CCIOA defines "common elements" as real estate (land and

buildings, plus other permanently installed structures) owned or leased by the association. The fencing is not on a common area, nor in an easement (with a couple of exceptions that are addressed in the revised policy) or a right-of-way specifically assigned as SEHOA responsibility. **These fences are owned by homeowners and not SEHOA, and therefore SEHOA can't use common funds to pay for the upkeep and replacement of these assets.** This was the principal factor in the Board's decision to change the maintenance policy.

**The Board agrees with the ACC and others that SEHOA has an interest to make sure this visible part of our community is well-maintained.** The issue is not whether SEHOA or individual homeowners will do a better job on this maintenance - the issue is whether the SEHOA can use common funds to pay for it. The Declaration (**available by clicking here**) in Article 4.3 says that "Each Owner shall maintain, repair and replace, **at their own expense**, all portions of their Lot including the Dwelling Unit and all other Improvements located thereon", with fences included in the definition of Improvements. This is consistent with CCIOA, which says "the association is responsible for maintenance, repair, and replacement of the common elements, and each unit owner is responsible for maintenance, repair, and replacement of such owner's unit" (38-33.3-307).

Article 6.3.6 gives the Executive Board the authority to issue reasonable Rules governing the care and maintenance of any unpaved portions of the Lot. These Rules are included in the Architectural and Landscaping Standards, which are within the purview of the ACC. **Homeowners with perimeter fencing, as well as fencing on the interior of lots, should be aware that they must maintain their fencing in compliance with these Standards.** All such fences visible from a public right-of-way or common area shall be kept in good repair with no missing and/or fallen rails and no fallen posts. **Future communications will address the maintenance standards in more detail and options for refurbishment and staining.**

Although this policy change removes expenditures from our long-term asset replacement plan, the Funded Status of our reserve/capital expenditures fund has only moved from "Fair/Poor" to "Fair" and is still less than 50% funded. As a result, the special assessment approved by homeowners in 2020 was still sorely needed for SEHOA to replace the aging elements of our common infrastructure and to build savings for other potential common needs, such as purchasing water rights. Future increases in assessments are likely to be required to combat day-to-day rising costs, and special assessments may need to be considered to address large capital expenditures as they arise (e.g., pond liner failures, purchases of additional water rights).

The revised Lot Easement Policy Paragraph is available on the website by [clicking here](#).

## Capital Projects Update

The four asphalt paths that lead from Strawberry Ln, Cranberry Ct, Corralberry Ct, and Cattail Dr to public trails have been repaved. With the paths that were repaved last year on the north and east sides of the community, this completes refurbishment of all paths in Somerset Estates.



**Irrigation Infrastructure Improvements:** The new metering system out of the Boulder and White Rock (BWR) ditch and the Boulder and Left Hand (BLH) ditch is operational and should provide an accurate measure of the water taken from the ditches. The cost of this project was shared with SHOA. The new transfer line from the pond next to the ditches is also operational and moves water at over 170 GPM, more than double the rate with the old line. **This dedicated line also gives us much greater flexibility in the operation of the irrigation system.** Final connections were recently completed on the irrigation lines running from Longview Dr to Bellflower Ct. Testing of sprinkler heads and spray patterns is underway. Once completed, the irrigation zones will be set to operate at night, which will save water due to reduced wind and evaporation. Nighttime operation wasn't possible with the old system as so much time was required to just move water to Somerset Estates, and the system couldn't both transfer and irrigate at the same time. **If you notice a sprinkler that needs attention, please contact Al Orendorff at [TrioProperty@comcast.net](mailto:TrioProperty@comcast.net).**



**Street Monuments Electrical:** The electrical connections that light street signs and power irrigation controllers, etc. behind the street monuments have been refurbished. This includes installing new sensors that will allow holiday decorations to only be lit after dark.

(Photo is example of elements that needed to be replaced.)

## Upcoming Events at a Glance

Please monitor the SEHOA website for any schedule changes  
-**somersetstates-hoa.com**.

**Executive Board Meeting --August 16 at 6:30 PM.** Please check somersetstates-hoa.com for meeting information.

**Somerset Estates Book Club -- August 23 at 4 PM** at the home of Diane Jensen. The book is *West with Giraffes* by Lynda Rutledge. Please let Paula Hemenway know at p.hemenway@comcast.net if you want to be added to the Book Club distribution list.

**Monday Mahjong** -- Mondays at 3 PM. Contact Melissa Koller at mzkoller@gmail.com for more information.

## Contact SEHOA

### Association General Information

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### Property Management

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### Executive Board

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### Architectural Control Committee

Larry Becker, Chairman  
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### **Social and Welcome Committee**

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