

**MINUTES OF
REGULAR MEETING OF
BOARD OF DIRECTORS
CRESTMoor PARK (2ND FILING) HOMES ASSOCIATION
(Date: June 18, 2014)**

The regular meeting of the Board of Directors of Crestmoor Park (2nd Filing) Homes Association on June 18, 2014 was called to order by John Sadwith, Chairman of the Board, at the home of Mr. Deline at 5:35 p.m.

1. **Directors in Attendance.** John Sadwith, Chris Withers, John Simonet, Stuart Gottesfeld, Tom Deline, and Robert Brown. Also present was Bob Hickman of Baer Hickman Architects.

2. **Approval of Minutes.** The Board approved the Minutes of the Annual Meeting of Members of the Association.

3. **Resignations.** Mr. Sadwith explained that the Board did not accept the resignations of Tom Deline and Julia Stone, and both would continue to serve their terms.

4. **Architectural Committee.**

a. **220 Leyden.** The homeowner requested approval by the Board of the installation of photovoltaic solar panels on approximately one-half of the front, western facing side of the house and on about one-half of the eastern facing side of the house. Messrs. Deline and Hickman explained that the configuration of the house would not permit solar panels to be installed facing the south. Mr. Deline stated his understanding that Colorado law has restrictions on homeowner associations' ability to deny certain installations of green energy facilities, including roof-mounted photovoltaic solar panels. Mr. Hickman described the panels as being installed parallel to the roof and having a height above the roof of four to six inches. In response to questions, Mr. Hickman stated that there was no improved design solution. Mr. Deline noted that the neighbor across the street had objected to the installation of these panels.

Mr. Deline recommended that the Board approve the proposed installation in light of the Colorado law limiting the ability of homeowner associations to object. The motion to approve was made by Mr. Sadwith and seconded by Mr. Deline. Mr. Brown recommended that the Board, instead of approving the installation, determine to tell the homeowner it would not object. Mr. Brown noted that the Declaration provided that the failure of the Board to consent or object to a proposed improvement plan submitted by a homeowner would be conclusively deemed to be approval. After discussion, Mr. Sadwith's motion passed by a vote of five to one.

b. **215 Ivanhoe.** Mr. Deline described the history of this homeowner and its contractor as ignoring the Crestmoor Covenants and proceeding to build a non-compliant garage and install a driveway that encroached on the neighboring property to the north. Mr. Deline

noted that, at the direction of the Board, Mr. Brown had prepared a cease and desist letter to the homeowner requiring compliance with the Declaration.

The plans and partial construction (garage and driveway) created at least four issues:

i. Mr. Sadwith moved that the Board should require the homeowner to construct the garage having materials matching the home, which would include installing a brick façade. The motion was seconded and passed unanimously.

ii. The Board discussed the placement of the garage as being within the eight-foot side setback. After extensive discussion, the Board agreed to grant a variance permitting the garage to remain in place. Mr. Deline was instructed to strongly suggest to the homeowner that it provide landscaping for the adjacent landowner to ameliorate the impact of the location of the garage.

iii. The Board determined that the driveway needed to be cut down to a width so that the northern boundary of the driveway was at least five inches south of the property line.

iv. The Board determined that the homeowner's plans must be revised to honor the front setback requirements. The fact that the homeowner and its contractor completely ignored the Association's approval requirements and failed to timely get an ILC or survey which would have revealed the appropriate setback was an aggravating, not an ameliorating, circumstance.

Mr. Deline will draft a letter to the homeowner conveying the preceding decisions.

c. **5635 E. Bayaud.** Mr. Deline recalled the history of the plan submission for this new home construction at some length, emphasizing certain action of the City and the failure of the homeowners to conform to the City's bulk plane ordinance requiring, as one solution, the home to encroach five feet into the front setback. After extensive discussion and analysis by the Board, Mr. Deline moved to approve the homeowners' request for a variance for the proposed four foot encroaching porch cover. The motion was appropriately seconded and passed unanimously.

5. **JBK Landscape.** Mr. Sadwith noted complaints made by neighbors to City Park personnel regarding overwatering the Park islands. JBK Landscape is watering certain areas daily in order to water-in newly planted foliage, and such watering is necessary to ensure the survival of the plantings purchased by the Association.

6. **Missing Crestmoor Sign.** Mr. Sadwith was able to recover the "Crestmoor" sign that had been taken from the Third and Holly Street island. Apparently, the sign was installed with straight pins, rather than screws, and the pins were set in silicone, rather than a stronger and more durable product, such as epoxy. Mr. Withers advised the Board as to appropriate techniques for permanent installation.

The contract negotiated by Mr. Sadwith for the design, fabrication, and installation of the new Crestmoor signs contained a guarantee that, for a period of at least one

year, the signs could not be removed. Mr. Sadwith will contact the sign company to require that the guarantee be honored with respect to all of the existing installations being reinstalled as recommended by Mr. Withers.

7. **Adjournment.** There being no further business to come before the meeting, the Board of Directors Meeting adjourned at approximately 7:00 p.m.

Respectfully submitted,



Robert L. Brown, Secretary