

OWL MEADOWS BOARD MEETING MINUTES

Of February 26, 2020

A meeting of the Owl Meadows Board was held on February 26, 2020. The meeting was convened by Teddy Ericco, President. Other Board members in attendance were Steve Gabriel, Len Metheny, John Harrington and (via telephone) Kim Risner-Tindall.

Judi Balkind conducted roll call, confirming that all Board members listed above were present, either in-person or via telephone.

John Harrington made a motion to waive Board meeting notice to the Owners. Len Metheny seconded the motion. It was unanimously approved.

Board Meeting Subject:

The purpose of the Board meeting was to address the request made by Laurie Mallis, Owner of Unit #15 and Applicant, for the right to install (1) a hot tub; (2) fencing; and, (3) landscaping within the "LCE" (Limited Common Element) courtyard area contiguous to the subject Unit on its west side.

Confirmation of LCE

By reference to the Second Corrective Amendment of April 20, 2010, it was confirmed that the open courtyard area immediately west of Unit 15 is an LCE designated for the benefit of that Unit.

LCE Discussion:

In considering the Applicants request, the Board members, in addition to the Second Corrective Amendment, referred to the following Sections of the Condominium Declaration of January 25, 2006, which provided:

Sec. 2.10 Common Elements, including those designated GCE (General Common Element) and LCE, are owned by the HOA Owners in undivided interests.

Sec. 2.10.1 All common elements are designated as GCE, except for those designated as LCE.

Sec. 2.10.2 Areas designated as "LCE" are for the exclusive USE of the Owner listed on the subject LCE.

Sec. 5.1.6 Executive Board shall regulate the use, maintenance, repair and replacement, or modification, of all Common Elements.

Sec. 5.1.15 The Executive Board may exercise any other powers conferred upon it by the Declaration and the Bylaws.

Sec. 8.1 Each Owner shall maintain...the surfaces of any LCE allocated to such Owner's Unit.

Sec. 8.2 Owner's Failure to Maintain

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Sec 8.3 Homeowners' Association to maintain the Common Elements.

Sec. 15.1 (Architectural Control) "No alterations to the Common Elements...shall be made unless first approved ... by the Executive Board. The Executive Board has absolute right to deny any requested Common Element changes."

Sec. 15.2 Requirements for Approval (of changes to the Common Elements)

Board Action re: Hot Tub request:

Following discussion of the captioned request among the Board Members, Steve Gabriel made a motion that the hot tub request be denied. Len Metheny seconded the motion and it was approved by all Board Members. Among other reasons for denial, the following were discussed:

- a. In 2017, the Board denied a request from Unit 1 for a hot tub on the GCE between Unit 1 and the adjacent property to the north, for concerns of noise and overall impact to the Owl Meadows Community and the fact that the subject GCE was not designated as being for the benefit of Unit 1. The Executive Board wanted to be consistent with its past decision, as well as with its interpretation of the GCE and LCE restrictions addressed in the above-cited sections of the Declaration.
- b. Concern among Board members with regard to potential HOA liability resulting from snow slides originating from the Lulu City complex to the south or snow removal operations from the roofs of adjacent Owl Meadows units.

Fencing (of the subject LCE):

Kim Risner-Tindall pointed out that any fencing erected on the south side of the LCE would not survive, due to the large amounts of snow dumped along the south property line by the adjacent, Lulu City, condominium complex. After further discussion of the fencing issue, Len Metheny and Teddy Ericco suggested that any fencing to be erected in conjunction with the subject LCE should be consistent with fencing to be planned for the Mahoney Drive frontage. After further discussion of the topic among the Board Members, it was agreed to table the fencing issue pending the formulation of fencing specifications applicable to the entire complex.

Landscaping:

After discussion of Applicant's landscaping request among the Board members, it was concluded that the Board should notify the Applicant that she may submit either a conceptual plan, or a more detailed landscape plan, of the LCE for Board consideration, with the caveat that any changes to the existing LCE landscaping might also require Town approval.

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Adjournment.

Having concluded the Board discussion and actions described above, Teddy Ericco made a motion that the meeting be adjourned. The motion was unanimously approved by the members.

Minutes submitted by John Harrington, Secretary.