

**Aspen Village Meeting Minutes
October 16, 2008, 7:00 PM, LLA Office**

Handouts: Aspen Covenants dated April 13, 1989
Aspen on the Lake, Inc., lot plat marked with covenant lots

Kathy Brown, Aspen Village Chair, called the meeting to order. Approximately 20 home/lot owners attended. Unfortunately, only one "new area" homeowner and lot owner attended.

Aspen Village history was related by Kathy Brown. Jack Alspaugh, Aspen Associates, was original developer. Next, Frank Ellis purchased Alspaugh's interest in Aspen. In 2002 Land Stewards (LS) purchased Ellis's interest and became primary developer at Lake Linganore (LL). In late 2003 Elm Street Development partnered with LS. The Frederick County Board of County Commissioners (BOCC) recently revised the New Market Region Plan. The revised plan rezoned from residential to agricultural some large tracts of LS land. As a result of this rezoning and economic downturns, LS will be pulling out of LL soon.

Jim DiMeglio, Project Manager for Elm Street/Land Stewards

Jim DiMeglio addressed the meeting. He stated that LS is going into foreclosure within 30 days. He doubted that he will be in the same capacity (Project Manager). He said that someone will acquire at auction all the real estate that LS owns. In reference to the Aspen map handout, this includes about 70 lots on Aerie, 22 lots in Aspen I, parcel C17, the 9 lots already approved along Accipitar (formerly Aspenwood), and the 14 lots already approved for parcel C16. Jim DiMeglio stated that LS has easements on the lots adjoining Eaglehead Drive, so these lots can be built. This easement is associated with the four-lane Eaglehead Drive issue. However there are 7 lots on Eaglehead and all the lots on Aerie which require the construction of a water pressure booster pump station before they can be built.

Regarding the roads, Jim DiMeglio stated that Accipiter Drive was built to county standard. It requires the last 1-1/2 inch of top surface. The right of way still belongs to LS. There are no bonds on the roads. This will be an issue for next owner and the LLA Board.

Jim DiMeglio discussed the \$50,000 letter of credit that LS has issued to LLA to cover tree replacement on graded and cleared lots. He said that LS is in compliance on all the lots on which houses have been constructed, but some lots have been cleared and sold to Craftmark. It costs about \$1,100 per lot for tree replacement. Eaglehead Drive lots have not been graded and cleared, this will require a future agreement between new builder and LLA.

At the conclusion of Jim DiMeglio's discussion, Kathy Brown praised both Jim DiMeglio and John Clarke of Elm Street/LS, stating it was a pleasure to work with both of them. They have been reasonable, professional and responsible.

Aspen Halloween Party

Kathy Brown announced an Aspen Village Halloween Party on the evening of October 31st. The party will be held on Ilex Court with Melissa Frazier coordinating plans. Further details will be posted.

Aspen Covenants Enforcement

Kathy Brown opened discussion by stating that the Aspen covenants apply to the lots owned by Jack Alspaugh when the covenants were written in 1989. On lots which are not Aspen covenant, the LLA ECC applies a rule that the house should fit in with the remainder of the village.

There was much open discussion on the lack of enforcement of Aspen covenants. In particular, many homeowners cited incidents regarding the construction of the home on Picea (lot 314).

Some attendees voiced frustration that LLA in not overseeing that construction follows the submitted plan and is in compliance with the Aspen covenants.

There was discussion regarding the need to have the LLA increase the amount of the bond builders are required to post. Numerous homeowners detailed damages to the roads and their properties caused by construction of homes in Aspen.

An opinion was expressed that spot builders are not held to the same standards as developers.

Kathy Brown encouraged attendees to be proactive. Contact the LLA immediately when notice violations of covenants. Do not assume that someone is overseeing.

Kathy Brown will write a letter to the LLA addressing the problems discussed. The letter will state the need for more construction oversight, the need to pay attention to covenants, and the importance of increasing the builder's bond. Details of damages to adjacent properties will also be included in the letter.

Aspen Village Committee

Kathy Brown canvassed the attendees for volunteers to serve as new Aspen Village Chair and committee members. No one came forward to volunteer. However, Lora Gross had mentioned earlier before the meeting that she would be willing to serve, but not as Chair.

The meeting was adjourned at 8:25 PM.

Submitted by: Kathy Williams, Secretary