

Wellington Neighborhood Association
Special Meeting of the Board of Directors
September 26, 2012 4:45 pm

- ❖ The meeting was called to order at 4:54 pm. The following members were in attendance: Dave Leffler, Brenda Leffler, Steve Letofsky, Michael Mosher, Courtney Kenady, and Deb Drayton. Jennifer McAtamney the Association administrator was also in attendance.
 - The purpose of this meeting was to address the request by the Watsons and the Leffler for the Board to be deciding party on the proposed fence. With three board members present quorum requirements have all been met.
- ❖ Dave Leffler proposed the a fence which would run on the
 - The first Proposal was on the property line. This proposal was not initially approved by the DRC and the committee requested that they work with their neighbors to avoid the no man's land that would be created by this initial proposal.
 - The Lefflers met with the Watson's and they worked out an agreement which was then approved by the DRC. Changes were made in the picket style to dog ear with the exception of the section of the Watson's fence. This fence was approved by the DRC and an approval letter was generated. Subsequent to this submittal the Leffler and the Association received a letter from Watson's stating they had withdrawn their permission for the use of the easement. Any attempt by the Lefflers to build the approved fence would be treated as trespass.
 - The third proposal was presented this evening and the proposed fence was to be built entirely on the Loffler's property. The Leffler also stated that they are no longer interested in engaging in an easement agreement with the Watson's'.
- ❖ Steve Letofsky representing the Watson's stated that he is here to help to work out a compromise, the Watson's have no objections to the use of the easement but to make this right for them they would need there to be two gates, and the section along their property would be built with a French gothic pickets by Strategic Fencing so it blends in with their property. Finally they would also require written permission as a part of the agreement would to access the Leffler's yard to do maintenance. Steve believes this alternative design works better from a design perspective.
 - Michael Mosher noted that this proposal was virtually the same as the fence that approved by the DRC on 9/14/2012 with the addition to two gates for access and life safety.
 - Brenda asked if the easement could be rescinded in the future. Steve answered that the easement could not be rescinded unilaterally. It runs with the land.
 - At this point the Leffler's have asked to the move ahead with their current proposal as presented which would allow the fence to be completely constructed on their property.

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- Michael Mosher indicated that the Leffler's proposal meets our guidelines and that either of those proposals presented this evening could be approved.\
- Deb Drayton asked in the fence meets the DRC guidelines. Michael Mosher replied that it did.
- Steve Letofsky also indicated that the Watson's had concerns about the current Leffer proposal creating drainage issues.
- Dave Leffler stated that in heavy snow winters there are drainage issues because the grade.
- Michael Mosher replied that the drainage issues are handled at a subdivision level and are not affected by construction of the fence. The neighborhood was designed to drain with our without the fence. If there is drainage issues the Watson's best course of action would be to take it to the town engineering department.
- ❖ Deb asked for clarification regarding the applications and the ability to approve. Since this was elevated to the Board of Director they have the power to approve this application.
- ❖ Brenda then requested an official approval from the Board of Directors so they can move ahead with their fence.
- ❖ Steve Letofsky stated that since the fence is now being proposed on the Leffler's own property the Watson's do not have any legal recourse regarding the currently proposed fence.
- ❖ Michael Mosher also suggested that the Lefflers should build the fence within their property line, and to verify their property line before beginning construction.
- ❖ Dave Leffler stated that he was perfectly comfortable placing the pickets on the outside of the fence even though their fence and the Watsons will be so close to one another.
- ❖ Brenda stated that for the record that initially they would have preferred to use the easement but after the Watson's brought a Lawyer into the process they do not feel comfortable continuing this discussion.
- ❖ Steve Letowsky stated that the Watsons have no legal basis for objecting to the Leffler's fence proposal based on the fact the proposal is contained completely on their property line.

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- ❖ The Board of Directors received information from their attorney that there are no legal reasons for the board to deny the fence as proposed. It meets all the DRC guidelines regarding color, material, height and style. Additionally, since it is being built entirely on their property, the neighbors objections are not relevant to the proceeding.
- ❖ The Board of Directors now moved to a vote:
- ❖ Michael Mosher made the motion to approve the submittal as presented this evening for lot 12 block 4 as presented. Courtney Kenady seconded the motion. The motion passed 3-0. Michael Mosher then requested that Jennifer generate an official approval letter and send it to the Lefflers and cc'd the community development department and the DRC.
- ❖ Deb Drayton made a motion to adjourn the meeting at 5:34 pm, The motion was seconded by Deb Drayton. The motion was approved 3 -0.