

Commissioner Hart: What I wondered was, if you have a six- or eight-foot side yard, if you put a ladder to the top of the roof to clean the gutter or paint the trim or something, if the base of the triangle is six feet, does the ladder have to go beyond – okay, it's six feet. So, if the bottom is six – (recalling case regarding nursery) – a few months ago there was a similar case with a similar concern that from the ladder manufacturer's chart, the ladder has to be on the next door neighbor's property to get up to the top. Have you worked that out? And is six feet enough room to put a ladder to the side of the house? Or are they're going to be reciprocal easements like we've talked about on other cases?

Mr. Riegle: We're confident that it works fine at the six. Frankly, between now and the finish line, if you wanted the commitment for the reciprocal easement, that's no problem, making that either. That may be an appropriate bootstrap and suspender situation and it is identical sort of separation that exists in North Hampton as well. I don't have any problem adding that into the –

Commissioner Hart: Okay. Thank you.

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Commissioner Lawrence: Mr. Riegle, I'm looking at Proffer Number 23 on Establishment of the HOA. And I assume that it would be good this little unit would become part of the larger HOA. And I see that condition is allowed for here, and also it's allowed - - what happens if they don't. But in either case, they're on their own for maintenance of their stormwater facility. Is that not true?

Mr. Riegle: If they were to be incorporated with the larger HOA, that maintenance would addressed as part of the incorporation negotiation. In this case the adjacent - - to clarify the adjacent community is Kingstowne, a very large planned community. So that would have to be a consideration in that negotiation. If that didn't happen, your statement's correct that it would be maintained independently.

Commissioner Lawrence: I think, if I might suggest it, I see that in Proffer 26 on Disclosure, we're going to disclose to future purchasers the stormwater facilities maintenance requirement. And in other similar cases, what we've done is to produce some sort of a "This is how you do it" little guide sheet for such maintenance and included it in the HOA documents when the development became a development on its own so that the disclosure is not just to the first round of purchasers but to everybody who ever purchases one of these things. If they're going to be loaded with any expensive maintenance – and I don't for a moment argue that that's too much expense or anything like that – I just want them to know about that as part of the disclosure. It doesn't seem to me as that would be very complicated to do in this proffer.

Mr. Riegle: Not at all. And in fact we have, I think, worked with you in your district on that so-called "Owner's Manual" or cookbook of sorts. I thought it was actually in there. I'm going to double check, but I can certainly commit on the record, if it's not in there we'll put it in there before the case gets to the Board.

Commissioner Lawrence: Well, if it is, I just flat missed it and great. If it isn't, if it could be done by the time the thing gets to the Board that would be great.

Mr. Riegle: Absolutely. That was the intention.

Commissioner Lawrence: Thank you, Mr. Chairman.