Ruth Robbins

From: rbbrady3@verizon.net

Sent: 2011-12-12 12:40 PM

To: Ruth Robbins

Cc: mwade@sugarbush.com

Subject: Dec 19 DRB Meeting-Summit Ventures

RECEIVED
12/12/11
RVR

Mr. Peter Monte, Chairman Development Review Board
P O Box 337
Warren VT 05674

Delivered via email to "planning@warrenvt.org"
RE: Summit Ventures NE, LLC - Lincoln Peak 1C

December 12, 2011

Dear Mr. Monte and DRB Members,

Mountainside Condominium Association respectfully requests that this letter become a part of the Summit Ventures LLC Lincoln Peak 1 C development file, be distributed to the DRB members and read aloud at the Dec. 19 2011 BDR meeting.

First, we would like to commend Summit Ventures, LLC for its continued expansion of the Lincoln Peak area. The increase to the permanent employment base, property tax revenue, upgrade of utilities, and the continued promotion of the area is of great benefit to the Town of Warren and throughout the Mad River Valley.

Summit Ventures, LLC's development staff generously met with various Sugarbush Village property owners prior to the Town Sketch Review meeting in November 2011. Summit Ventures invited an open discussion of concerns regarding their preliminary plans and seem to have taken a genuine interest in addressing those concerns. During that meeting members of the Board of Directors of Mountainside Condominium Association and Forum Condominium Association discussed the access to the ski on/off trails that are situated above the current Village Parking Lot. The discussions were focused on ways to have a contiguous and unbroken transition between the resort facilities and two of the Rice Brook bridges connecting Mountainside Condominium's property with the area under proposed developed by Summit Ventures NE, LLC.

Additional discussions included the ability to get large equipment into the Mountainside property for construction, excavating, repairs, LP delivery, etc. Locating the garbage bins and utility service out of sight of the Mountainside residences was also discussed.

At the time of the development of Mountainside Condominiums, Sugarbush Valley, Inc. clarified its desire to provide the public with ski and pedestrian access between the resort facilities and other properties located on the mountain. This public access arrangement was formalized in the Warrantee Deed (March 29, 1979) from the Grantor (Sugarbush Valley, Inc.) to the Grantee (developers of Mountainside Condominiums- Sugarbush Village Association, Inc.) stating terms for allowing others to pass over the Mountainside Condominium Association property to the resort's property.

Considering the complexity of the relationships that will be established relevant to the Lincoln Peak development plan wherein one entity will own the land and then lease the land to a variety of homeowners and homeowner associations, we respectfully ask the Town of Warren to protect in perpetuity the public access across the areas known as the "Lower Ski Trail" which abuts Mountainside's lower Rice Brook bridge and also the current "Out to Lunch Trail" that crosses and abuts the Rice Brook bridge at the top of the Mountainside Condominium property. The Out To Lunch Trail is currently noted as a ski trail on the plans submitted to the town. Mountainside Condominium Association would like to see the lower trail designated as a ski/pedestrian trail as well.

Mountainside Condominium Association respectfully asks the officials of the Town of Warren to require public access in similar language as that contained in the Mountainside ski path easement.[i]

Sincerely,

Barbara Brady, President

Mountainside Condominium Association

RR 1 PO Box 68-10

Warren VT 05674

Cc: Margo Wade, Summit Ventures NE LLC

Sugarbush Village Management

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[i] Sugarbush Valley, Inc. to Sugarbush Village Associates partnership, dated 3/28/1979 recorded in the Town of Warren land records Book 50 pgs 380-388 – quoted from page 4 (384) "There are hereby reserved easements for ski paths or ski ways over strips of land adequate for same, one leading generally from the boundary line above described as "South 80 degrees 13' West 88.8 feet" in a southwesterly direction to a bridge crossing Rice Brook, and the second leading from the boundary line described hereinabove as "North 81 degrees 51 fet West 56.1` feet in a generally southeasterly direction along Rice Brook to the b ridge crossing said brook. Said reserved ski path easements are for travel thereover by pedestrian and persons on skis. Use thereof for such purposes is to be in common with the Grantee and others; the Grantor reserving the right to create further tenancies in common therein with respect to such uses. Grantees herein agree to keep said paths unobstructed and to provide adequate natural snow coverage over that portion of said paths which cross over roads and traveled ways. The within Grantee acknowledges that the Grantor and owners of properties which the within Grantor has heretofore conveyed to others have the right to cross and recross the within conveyed property as pedestrians or skiers and therefore acknowledges the burden running with the land of providing adequate ski paths. The right to use said ski paths shall be uninterrupted at all times."