

**Ludlow Maintenance Commission
Architectural Control Committee
Post Office Box 65060
Port Ludlow, WA 98365**
~ Approved ~

Minutes of the Regularly Scheduled January 26, 2009 ACC Meeting

Members Present: Jim Boyer, Vaughn Bradshaw, Bill Clark, Eve McDougall, and Sharron Sherfick

Guests: Tim Bangle, Bruce Eddy, Joe Langjhar

Call to order: The 26 January, 2009 regularly scheduled meeting of the Architectural Control Committee (ACC) was called to order at 3:04 p.m. by Chair Sharron Sherfick; all members were in attendance. Minutes of the Regularly Scheduled January 12, 2009 meeting were approved as corrected. Attached to these minutes are the Pending Cases reviewed during this meeting.

Public Forum

Guest **Tim Bangle** attended this meeting concerning ACC approval of new house plans for **Gary Hackney & Susan Garretson, owners of Lot # 2-1-054, 201 Montgomery Lane**. Mr. Bangle wanted clarification of what he stated were conflicting requirements for filing an appeal of the committee's decision in the Ludlow Maintenance Commission (LMC) Regulations. Specific Regulations he cited were as follows

- **Regulation II Article I Approval Requirement, 3. Trees and Views on Private Property, f. Appeal of Committee Decision.** *An owner who has filed a request or anyone who has identified himself or herself as an interested party affected by a request may file an appeal of the committee decision by following procedures outlined in Regulation V, Article II.*
- **Regulation II Article III Procedures 4. Appeal of ACC Decision.** *An owner who has filed a request or who has identified himself or herself as a party affected by a request may, by complying with subparagraph [a] below, appeal to the Board of Trustees of the LMC any decision of the ACC. a. An appeal may only be taken within 30 days after the date on which notice of the ACC decision is delivered to the owner or affected party. The appeal must be in writing and must state all reasons relied upon for reversing or modifying the ACC decision. The appeal must be delivered in person or deposited in the U.S. Mail addressed to the President or Secretary of the LMC. b. The LMC shall meet and act upon the appeal within 60 days after delivery of the appeal to the LMC. The LMC shall notify the owner who filed the request, any other owner who identified himself or herself as affected by the request and the ACC of the place and time the LMC meeting will be held.*
- **Regulation V Enforcement and Appeals Procedure, Article II Procedures 4. Appeals Procedures:** *The appeal shall be governed by the following procedures: a. Appeals must be filed in writing and delivered in person or deposited in the U.S. mail addressed to the president or secretary of the LMC within 60 days after the date of the committee letter;*

Committee members agreed that clarification of the language in the Regulations would be desirable, and that this matter would be referred to the LMC Board of Trustees for their consideration, the board would then direct the C&R Committee (CRC) to implement any changes. ACC members further suggested that the Regulations do state that there is a thirty (30) day window to appeal an ACC decision *by a member to the LMC*, and a sixty (60) day window *for the board to schedule a hearing*. Member Vaughn Bradshaw suggested to Mr. Bangle that if he wished to appeal, that he should file an appeal within the 30 day window. Mr. Bradshaw also stated that the ACC is required to follow Regulations but does not have the authority to change the Regulation language; any changes would be determined by the LMC Board of Trustees.

Guest **Bruce Eddy** asked if there was a place where the **ACC Policies and Procedures** might be posted for member review. Member Vaughn Bradshaw informed Mr. Eddy that at this time the committee is still drafting those procedures and was hoping to get a draft finished at this meeting.

Mr. Bradshaw explained that this process began at the former LMC Board of Trustees request, with the process taking time due to the LMC and ACC member changes. Mr. Bradshaw further explained that after the ACC finalized its draft, the document would be passed on to the LMC Board for its review, and possible alterations, then passed to the CRC for finalization. Mr. Bradshaw anticipated that this process could take up to three (3) months before the ACC Policies and Procedures would be posted for all members to review.

Old Business:

1. Committee member Eve McDougall inquired whether the new house application of **Frances & Andrea Marik, owners of Lot # 2-3-020, Wheeler Drive** was complete, including the signed contractor agreement and approved Port Ludlow Drainage District (PLDD) drainage plan. On January 12, 2009 Architects Ivo & Lidija Gregov attended the ACC meeting to submit new house plans and the \$500.00 application fee on behalf of **Francis & Andrea Marik, owners of Lot # 2-3-020, 0 Wheeler Drive**. Plans are for a 2,350 sq. ft one level (with daylight basement) house, with a maximum elevation of 200.96 at the cupola; most of the building is 197 ft. elevation according to the survey plan. There will be an attached two (2) car garage, no trees will be removed, and paint and roofing material requests as well as a construction agreement form were submitted with the package. Mr. Marik signed the agreement form, but his contractor; Schweizer Construction Company had not signed the agreement. As Chair Sharron Sherfick was not in attendance, Vaughn Bradshaw has signed a letter sent by the ACC on January 15, 2009 to the Mariks requesting the aforementioned documents. Neighbor notices were also sent on January 15, 2009, with the comment period due January 29, 2009. As of this date, no new documentation has been submitted.
2. Ms. Sherfick reported that **Robert & Audrey Mackey** will be retaining a tree arborist to evaluate a maple tree that shares a greenbelt border with their property. Formerly, Ted Buehler, chair of the Greenbelt Committee (GBC) had notified the ACC regarding a GBC tree removal request made by Mr. & Ms. Mackey, **owners of Lot # 2-3-177, 41 Trader Lane**. The Mackey's would like to trim a maple tree that is primarily located on the Greenbelt but has grown to be partially on their property. Sharron will contact Mr. Buehler to see if any progress has been made, if so she will notify the other committee members by email and/or telephone.
3. Committee member Eve McDougall inquired whether a site visit had been conducted (as requested by her at the January 12, 2009 ACC meeting) by the LMC Board of Trustees concerning a former ACC case involving **Larry Nobles, Barbara Nobles, and Frank & Irma Siler, owners of lot #'s 2-3-196 and 2-3-197** respectively. Mr. Nobles and Mr. Siler consider the area to be a private greenbelt; they maintain that this buffer between the homes was left when the properties were developed. They submitted that if Mr. Dennon, owner of Lot #'s 2-3-166 & 2-3-167, 56 Explorer Lane (and the complainant in this matter) wished to improve his view that he should share the burden of cost to trim these trees. A letter sent by **Frank Siler** on January 7, 2009, was given to Vaughn Bradshaw during the January 12, 2009 ACC meeting for his response as the Secretary of the LMC Board of Trustees. During the November 24, 2008 ACC meeting, committee members agreed that all avenues available to the ACC had been exhausted and this matter was referred to the LMC Board of Trustees. Mr. Boyer reported that Ted Buehler, Chair of the GBC, and Bill Wilke, Chair of the Operations Committee (OPC) had done so at the LMC Trustees request, and it was their determination that the trees had been planted. Jim Boyer had explained in prior ACC meetings, how with issues like this, the LMC Board had discussed filing a letter with Jefferson County so the matter would be recorded with the title. As this issue has been passed to the LMC Board of Trustees, it has been removed from the ACC Agenda.
4. Committee members spent considerable time reviewing a request to remove all cedar trees (except those in the Jefferson County right of way) and two (2) maple trees ten (10) inches in diameter at breast height, submitted by **Daniel & Ann Klemp, owners of vacant lot # 2-3-010, 0Keller Lane**. Prior to this submittal, Mr. & Mrs. Klemp had sent a letter to the LMC/ACC (received 1/13/09), stating that they were going to be removing all the trees on the

lot. Vaughn Bradshaw called and explained to Ms. Klemp that LMC Covenants require them to obtain permission from the ACC before they can cut trees. Ms. Klemp stated the trees had become overgrown over the years and they wanted to cut some trees to either build a house or to show that it was a view lot in case they decided to sell the property; she then requested that a site visit be done. Mr. Bradshaw related all information to other committee members via email and telephone contact; subsequently a site visit was conducted by Sharron, Vaughn and Jim on Saturday January 17, 2009. The new tree removal request includes a plot plan diagram with trees circled to indicate their location on the property. Committee members agreed that approval could be granted after the following conditions were met a) a PLDD approved detailed drainage plan must be obtained b) a Jefferson County permit must be obtained prior to any driveway being constructed (whether temporary or permanent) on the county right of way c) the easterly edge of the property boundary must be marked. The owners will also be instructed that burning of debris from the process (as they noted on their request) on the property is prohibited by LMC Regulations.

5. **Robin and Jason Woods, owners of lot # 2-2-016, 201 Rainier Lane** submitted a hazardous tree removal request for three (3) trees on this lot. As described in the application by Mr. Woods; the first tree is on the right side of the driveway, the top is broken out of the tree and it is leaning toward the house, the second tree is to right of house, it is leaning and the root ball is pulling up from the soil, the third tree is in rear of the house near the deck and has a split about two (2) feet down the crotch. Mr. Wood included a site plan with the trees circled; he has also gone to the property and marked the trees in question with brightly colored orange paper (LMC was out of pink tape). Mr. Wood expresses concern that the leaning tree is very large and would take out the entire house if it came down in a storm. Committee members will conduct a site visit after today's meeting, if they agree that the trees need to come down, an approval letter will be sent right away.
6. Committee Members reviewed and approved the January 12, 2009 ACC Meeting Minutes with corrections.
7. Committee member Vaughn Bradshaw produced updated working copies for each committee member of the **ACC Policies and Procedures** draft that he has been revising, he will implement all changes as discussed today and circulate final copies to each member as well as a copy to Covenant and Regulation Committee (CRC) with a cover letter. Discussion included revision to the following topics:
 - *Applications shall be kept and secured at the Beach Club and upon request, may be viewed in the presence of an ACC member*
 - *The committee shall submit all changes to its Policies and Procedures to the Board*
 - *Stumps shall not exceed twenty four (24) inches unless so approved by the ACC*
 - *Satellite dish television antennas*
12. Committee members discussed finding other LMC members that might be willing to serve on the ACC. Chair Sharron Sherfick mentioned her pending move to Marysville and the necessity of replacing her as Chairperson, she would like to remain as an alternate as long as she continues to own property here in Port Ludlow.

The next regularly scheduled meeting of the Architectural Control Committee will be held on Monday February 9, 2009 at 3:00 PM. The January 26, 2009 meeting adjourned at 4:55 p.m.

Respectfully submitted:
Susan Bartkus,
ACC Recording Secretary