

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

~ Approved ~

~Minutes of the Regularly Scheduled July 13, 2009 ACC Meeting

Members Present: Vaughn Bradshaw, Bill Clark, Eve McDougall

Call to order:

The July 13, 2009 meeting of the Ludlow Maintenance Commission (LMC) Architectural Control Committee (ACC) was called to order at 3:07 p.m. by Chair Bill Clark. In attendance were members Eve McDougall and Vaughn Bradshaw. Absent from this meeting were members Jim Boyer, and Sharron Sherfick. Attached to these minutes are the Pending Cases reviewed during this meeting.

Guests: Stan Kadesh

Approvals:

The ACC duly discussed and conditionally approved the following request :

LOT #	In Date	Due Date	PETITIONER(S)	REQUEST
3-0-035	6/1/09	7/1/09	Norm & Jocelyne Thompson	Tree Removal (partially on GB)

Denials:

The ACC duly discussed and denied the following request:

LOT #	In Date	Due Date	PETITIONER(S)	REQUEST
1-3-017, 1-3-018	7/13/09	8/13/09	James Nichols	Cedar & non climb wire fence

Public Forum: There were no issues brought to the committees attention during this forum

Old & New Business in Order of Discussion:

1. Members reviewed a **Tree Trimming** request made by **Paul Huston, owner of lot # 2-3-090**. Mr. Huston submitted photographs and a letter that identified the trees as belonging to his neighbor, **Ken Schneider owner of lot # 2-3-089, 181 Pioneer Drive**. Mr. Huston stated in his letter "The purpose for removing the limbs is for further prevention of additional damages to my roof (as per my roofing contractor's suggestion if I want to maintain my warranty) and the yard. The collection of moss on my roof and the large swath of dead grass are attributed to the branches extending beyond the property boundary and dropping needles and cones. This has always been a problem. To correct the problem with the lawn, I have prematurely ordered new soil to replenish the acid ridden soil in an attempt to re-grow vegetation of any type, giving me a small window to remove the branches overhanging the lawn and roof. An established property line will be used. My neighbor Ken Schneider. I have no intentions of doing anything that will harm or kill the trees and will not do any cutting onto the neighboring property unless directed and agreed upon by Mr. Schneider....I have given Mr. Schneider a heads up with a

- small face to face meeting and at the time he didn't seem to mind the idea". Members Eve McDougall and Bill Clark will conduct a site visit as well as speak with Mr. Schneider to confirm his agreement to the tree trimming. They will report their findings to the committee during the July 28, 2009 ACC meeting.
2. A **Hazardous Tree Removal** Request submitted by **Carol Carson and Reginald Kleweno, owners of lot # 2-3-170, 297 Fleet Drive**, was reviewed. Ms. Carson stated on the request that they would like to remove "1 Dead & Diseased Douglas Fir indicated on photograph, marked with brightly colored tape". Members Eve McDougall and Bill Clark will conduct a site visit. They will report their findings to the committee during the July 28, 2009 ACC meeting.
 3. **Robert Lawless, owner of lot # 2-3-113, 120 Pioneer, submitted three (3) View Obstruction & Hazard Relief Requests.** Mr. Lawless' first request is for removal of a Douglas Fir tree, sixteen (16) inches in diameter, on his own property that Mr. Lawless states is "Doug Fir + 16" at breast height, tree has been topped and is growing in a circle, not healthy or stable. Leans heavily toward the south. Could destroy my deck if allowed to continue to grow". The second request made by Mr. Lawless pertains to **lot # 2-3-150 belonging to Shannon Lowrie, 60 Explorer Lane**, and he states on the request that he would like "all trees that are blocking views from uphill" removed. Mr. Lawless' third request pertains to vacant lot # 2-3-135, 0 Explorer Lane, belonging to Michael & Mira Mathia; Mr. Lawless drew a diagram of the trees and states "These weed trees on 135 will block all views in a year or two. CC& R's require vacant lots to be kept clean. This lot is definitely in violation. Members reviewed all requests at length and will observe the area prior to the July 28, 2009 meeting.
 4. Committee members and guest Stan Kadesh discussed a current review of LMC Tree and View policy by legal consul at the request of the LMC Board of Trustees. The issue of whether the LMC has the authority to require owners to cut or remove trees to maintain or restore views for their neighbors is in question. Members agreed that until legal review of the policy is completed, and the LMC Trustees instruct the ACC to continue considering these cases, all applications to consider **Neighbor Tree Removal Requests** would have to be suspended, site visits will still be conducted and owners submitting these requests will be sent a letter advising them of this situation, but decisions will wait until the Trustees advise the ACC. Chair Bill Clark will prepare a draft that will be sent to each requestor acknowledging their requests, but advising them of the current situation
 5. **Jim & Diane Strader, owners of lot # 3-0-043, 624 Rainier Lane** previously submitted a letter and photographic submission of their **View Obstruction** complaint concerning overgrown trees and brush on **lot # 7-0-019, 0 Rainier Lane**, belonging to Renee Linnabery. Members conducted a site visit after the June 8, 2009 ACC meeting. Letters to Ms. Linnabery, Dr. Zoloth and Mr. & Ms. Strader (letting them know the situation was being worked on) were drafted. Ms. Linnabery's letter informing her that her neighbor Dr. Zoloth, owner of lot # 3-0-052, 632 Rainier Lane, had helped another lot owner with trimming brush and might be amenable to helping her. Dr. Zoloth's letter asking for his help if requested by Ms. Linnabery. Chair Bill Clark will work on revising the letters.

The ACC members hope to help the neighbors reach an agreement about brush removal and lot maintenance as per Regulation II, Article I, Paragraph 3.b which states in part: *...All interested parties to the request are encouraged to work out an agreement amongst themselves, including financial responsibility, subject to the committee's approval.* Revised letters will be sent to all parties.

6. Members did a final review of a **tree removal request** made by agent Kathy Morgan on behalf of her clients **Norman & Jocelyne Thompson, owners of lot # 3-0-035, 22 Barque Lane**. This request is for eleven (11) trees that are all close to the house and diseased. After a site visit, members determined that some of the trees were on or partially on the greenbelt, and asked Ms. Morgan to forward the arborists report to the ACC and the Greenbelt Committee (GBC) for their review and approval. A letter will be sent advising Mr. & Ms. Thompson (with a copies to agent Morgan and GBC) that the ACC approves the tree removal, contingent upon GBC approval. This case will now be removed from the agenda.
7. Members reviewed the **New Home application** packet submitted by **Cary Casal, owner of lot # 1-0-053, 0 Puget Loop**. Mr. Casal plans to build an eighteen hundred (1,800) sq. ft. Ranch style home with 3 bedrooms and 2 bathrooms. During the last ACC meeting, Mr. Casal was given conditional approval pending submission of an approved Port Ludlow Drainage District (PLDD) drainage plan, and a Jefferson County Building Permit, these have not yet been submitted. Recording Secretary Sue Bartkus will check with Mr. Casal.
8. Committee members discussed the **View and Obstruction Relief Request** made by **Verba Abbott**, (owner of lot # 1-2-038, 210 Condon Lane). **Richard & Mary Babaian, owners of lot # 1-2-035, 211 Condon Lane** attended the June 22, 2009 ACC meeting to discuss a letter they wrote to the LMC and the ACC regarding this matter. Ms. Abbot's complaint was made on March 28, 2009 concerning lot #'s 1-2-034, 201 Condon Lane and 1-2-035, 211 Condon Lane, belonging to Dan & Jennifer Miller, and Richard & Mary Babaian respectively. On her applications Ms. Abbott stated that *"Trees have grown into view and cause infringement of previous view to water. Topping will solve problems temporarily"* photographs of the areas were included with Ms. Abbott's applications. Committee members Jim Boyer and Sharron Sherfick visited the site after the May 11, 2009 ACC meeting and agreed with the other ACC members (who viewed the issues previously) that the trees are infringing on Ms. Abbots' view. Letters were sent by the ACC requesting the trimming and/or removal of these trees. During the June 8, 2009 ACC meeting, members read a response letter from Mr. & Ms. Babaian in which they stated *"There is significant background information relating to the Abbot's and lot # 1-2-038. However, we will not entertain responding any further to their complaint regarding Regulation II, Article I Paragraph 3 until a certified picture at the time the Abbot's purchased their house is provided as stipulated in subsection b. The picture provided does not fulfill this requirement. Furthermore, before and after pictures from 2005 and 2009 respectively are appropriate in resolving any issue that may exist. If and when the complaint meets the established documentation requirements set forth in the Regulations, is then provided to us and approved by the ACC, we would intend to appeal the decision."* ACC members agreed to research the issue more and discuss it again. During the June 22, 2009 meeting member Eve McDougall stated that she thought further discussion should be tabled until all ACC members were in attendance. Mr. & Ms. Babaian did bring up their viewpoint again, stating that the issue is the view regulation not the height

regulation (8' or roof height for planted trees). ACC member Vaughn Bradshaw read aloud the Regulations cited above, and after prolonged discussion with Mr. & Ms. Babaian, Mr. Bradshaw maintained that more clarification was needed and that he thought the LMC Board and/or the Covenants & Regulations Committee (CRC) should evaluate the issue, therefore he notified the LMC Board of this matter, it was discussed during the July 11, 2009 LMC Board Meeting. Due to the LMC attorney review of Tree and Views policy, no further action will be taken at this time.

9. A **Fence request by James Nichols, owner of lot #'s 1-3-017 & 1-3-018, 53 Sayward Lane** was reviewed. Members agreed that the fence plan as submitted could not be approved because the metal fencing material Mr. Nichols would like to use does not conform to ACC Fencing Guidelines. A letter will be sent to Mr. Nichols (along with a copy of ACC Fencing Guidelines) requesting that he consider re-applying with an approved material.
10. Committee members asked recording secretary Sue Bartkus to send out Neighbor Notices, and notify all ACC members from now on, as soon as new Fence Requests are submitted, thereby facilitating ACC thirty (30) day response time.
11. A letter sent to ACC Chair Bill Clark, by **Robert Schreyer, owner of lot # 2-3-219, 70 Adventurer Lane**, concerning a fence and shrubbery belonging to his neighbor **Robert Lambe, owner of lot # 2-3-226, 671 Pioneer Drive** was reviewed by the committee, but will be forwarded to the LMC Trustees as this matter was referred to the Board last year. Mr. Clark will prepare a cover letter with copies of the letter for each Trustee.
12. Committee members discussed a shed built on lot # 1-4-045, 264 Rainier. The shed was built without a request for ACC approval. After viewing the shed, members agreed that construction was in accordance with ACC guidelines, but the owner would need to submit plans and get ACC approval for the shed to be in compliance. Chair Bill Clark will draft a letter to the owner, Ms. Carol Taplin, asking that she submit an application.
13. Guest Stan Kadash brought to this days meeting a letter he wrote that has been forwarded to the ACC by the Operations Committee (OPC) regarding overgrown vegetation on lot # 2-3-235. As with other Neighbor View & Obstruction requests, this matter will remain pending until after LMC instruction to the ACC.
14. Committee members discussed a complaint made by neighbors regarding an unscreened propane tank on lot # 2-3-084, 150 Jefferson Ave., belonging to David & Alice Siemssen. Members will view the area and discuss this matter at the next meeting.
15. Members reviewed and approved the June 8, 2009 Meeting Minutes as written. The June 22, 2009 and July 6, 2009 Meeting Minutes were approved as corrected.

The next regularly scheduled meeting of the ACC will be held Monday July 27, 2009 at 3:00 p.m. The July 13, 2009 meeting adjourned at 5:40 p.m.

Respectfully submitted:
Susan Bartkus,
ACC Recording Secretary

