

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

~ Approved ~

~Minutes of the Regularly Scheduled July 27, 2009 ACC Meeting

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

Call to order:

The July 27, 2009 meeting of the Ludlow Maintenance Commission (LMC) Architectural Control Committee (ACC) was called to order at 3:09 p.m. by Chair Bill Clark. Also in attendance were members Jim Boyer, Vaughn Bradshaw, and Eve McDougall. Member Sharron Sherfick was absent from this meeting. Attached to these minutes are the Pending Cases that were reviewed during this meeting.

Guests: There were no guests present at this days meeting

Approvals:

The ACC duly discussed and (conditionally in one case) approved the following requests:

LOT #	In Date	Due Date	PETITIONER(S)	REQUEST
2-1-001	7/24/09	8/24/09	Bill Lazarus	House Re-paint
1-1-012	7/26/09	8/25/09	Jack & Denise Wright	Tree Removal
2-3-090	7/09/09	8/09/09	Paul Huston	Tree Trimming
2-3-170	7/12/09	8/12/09	Carol Carlson & Reginald Kleweno	Tree Removal
2-3-113	7/12/09	8/12/09	Robert Lawless	Tree Removal

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

Old & New Business in Order of Discussion:

1. Members reviewed and approved a **House Paint request made by Bill Lazarus, owner of lot # 2-1-001, 70 Montgomery Lane.** Mr. Lazarus requested permission to re-paint his home with the same colors that it is currently painted, light blue paint for the body of the house, and white paint for the trim. An approval letter will be sent.
2. **Richard & Sandra Jackling, owners of lot # 2-3-202, 90 Pathfinder, submitted a View Obstruction Relief Request** regarding a tree on **vacant lot # 2-3-202, owned by Gerad & Viola Herkes.** Mr. & Ms Jackling stated that the Herkes have no objections but wanted the Jacklings to process the paperwork. Chair Bill Clark will draft a letter to the Jacklings letting them know that the ACC cannot consider this request until Mr. & Ms. Herkes submit this request. ACC members discussed the differences of View Obstruction requests on vacant lots made by neighbors versus the same requests made by the lot owners (or with the lot owners). During the last ACC meeting, Committee members 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

3. Members reviewed a **Tree Removal Request made by Jack & Denise Wright, owners of lot # 1-1-012, 10 Gamble Lane**. Chair Bill Clark reported that he had a telephone conversation with Mr. Wright pertaining to this request. Mr. Wright said the tree in question is a fifteen (15) inch diameter Cherry tree that is dropping fruit and ruining his deck, as well as posing a risk to his home. Mr. Clark requested that this be approved pending a site visitation after the meeting, all members agreed, recording secretary Sue Bartkus will be notified of the final confirmation prior to an approval letter being sent.
4. An **Obstruction Request submitted** prior to the last ACC meeting, **by James & Melva Fitzmorris, owners of lot # 2-3-083, 281 Pioneer Drive**, was again reviewed. Member Vaughn Bradshaw reported conferring with Mr. & Ms. Fitzmorris regarding an unscreened propane tank, a television antenna, and a fence that does not conform to ACC guidelines on lot # 2-3-084, 150 Jefferson Ave., belonging to David & Alice Siemssen. Members thoroughly discussed each aspect of Mr. & Ms. Fitzmorris' complaints with regard to LMC Covenants and Regulations, as well as FCC regulations regarding antennas. Chair Bill Clark and member Eve McDougall will visit the site again, and Bill will draft a letter to send to Mr. & Ms. Siemssen.
5. **Mr. & Ms. Fitzmorris submitted another Obstruction Request** regarding an **unscreened propane tank on lot # 2-3-122, 240 Pioneer Drive, owned by Harold & Marion Moe**. Members reviewed the request (tank had been viewed prior to the meeting) and agree that it should be screened. A letter will be sent to Mr. & Ms. Moe requesting that they screen the tank.
6. Members reviewed whether there has been any new progress regarding 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 a prior ACC meeting, Mr. Casal had been given conditional approval pending submission of an approved Port Ludlow Drainage District (PLDD) drainage plan, and a Jefferson County Building Permit. Mr. Casal has received approval from the PLDD for his drainage plan however his Jefferson County Building Permit is still pending.

7. 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 Vaughn Bradshaw, Eve McDougall and Bill Clark conducted a site visit. Ms. McDougall spoke with Mr. Schneider, who stated he was amenable to Mr. Huston performing this trimming. Members agree to approve this request. An approval letter will be sent.
8. 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, Vaughn Bradshaw, and Bill Clark conducted a site visit, upon their report members agreed to approve this request. An approval letter will be sent.
9. **Robert Lawless, owner of lot # 2-3-113, 120 Pioneer, submitted three (3) View Obstruction & Hazard Relief Requests on July 12, 2009**. Mr. Lawless' first request was for removal of a Douglas Fir tree, sixteen (16) inches in diameter, on his own property that Mr. Lawless stated 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". Upon the recommendation of ACC members Vaughn Bradshaw, Bill Clark and Eve McDougall, who viewed the site, members agreed to approve this request, an approval letter will be sent. 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. This request will have to be tabled until after the ACC receives direction from the LMC Trustees regarding the pending attorney opinion. 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. Members agreed that this request will have to be worked out between Ms. Lowrie and Mr. Lawless. Chair Bill Clark will draft a letter to Mr. Lawless regarding the issues with his requests regarding his neighbor's trees; he will include language encouraging Mr. Lawless to reach an agreement with the Mathias (vacant lot owners), and notifying him of the moratorium on other Views and Obstruction Relief Requests.

10. Chair Bill Clark reported receiving a telephone call from Ms. Verba Abbott, (owner of lot # 1-2-038, 210 Condon Lane), regarding a View and Obstruction Relief Request she made pertaining to a tree owned by **Richard & Mary Babaian, owners of lot # 1-2-035, 211 Condon Lane.** Mr. & Ms. Babaian 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. Abbotts' 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. This issue will remain on the agenda until further notice.

11. Committee members discussed a **Shed built without ACC approval on lot # 1-4-045, 264 Rainier, and owned by Carol Taplin**. 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 reported to the committee that a letter was sent to the owner, Ms. Carol Taplin, asking that she submit an application with plans, this issue will now be removed from the agenda. Members agree to work again on developing an ACC Shed Guideline Application Packet.
12. Committee members discussed a previously forwarded letter 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. No letter will be sent to the person that submitted it as he is LMC Trustee who was present at the last ACC meeting and he is fully aware of the delay.
13. Members held a brief discussion about the \$500.00 Construction Application Fee, with member Jim Boyer reporting how the LMC Board considered the way Kala Point (a homeowner association in Port Townsend), refunds a portion of the fee they require when all guidelines are met. Member Vaughn Bradshaw gave members a brief review of clerical support fees, hours and calculations as given to him from LMC General Manager Brian Belmont.

Members reviewed and approved the June 29, 2009 Meeting Minutes as written.

The next regularly scheduled meeting of the ACC will be held Monday August 10, 2009 at 3:00 p.m. The July 27, 2009 meeting adjourned at 4:45 p.m.

Respectfully submitted:
Susan Bartkus,
ACC Recording Secretary

