

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

~ APPROVED ~

~Minutes of the Specially Scheduled July 6, 2009 ACC Meeting

Members Present:

Jim Boyer, Vaughn Bradshaw, Bill Clark, Eve McDougall, Sharron Sherfick

Call to order:

The July 6, 2009 Special meeting of the Ludlow Maintenance Commission (LMC) Architectural Control Committee (ACC) was called to order at 3:07 p.m. by Chair Bill Clark. This meeting was arranged to specifically address requests that need decisions made prior to the regularly scheduled July 13, 2009 ACC meeting, in order to comply with the thirty (30) day Regulation requirement. In attendance were members Eve McDougall, Jim Boyer, Sharron Sherfick, and Vaughn Bradshaw. Attached to these minutes are the Pending Cases reviewed during this meeting.

Guests: Elizabeth Van Zonneveld

Approvals:

The ACC duly discussed and approved the following requests:

LOT #	In Date	Due Date	PETITIONER(S)	REQUEST
1-1-033	7/06/09	8/06/09	Karl & Melinie Perry	Roofing
2-3-038	7/06/09	8/06/09	Leland Amundson	Tree Removal
2-3-002	6/24/09	7/24/09	Richard Campbell	Replace Deck Boards

Partial Approval *:

The ACC duly discussed the following request:

LOT #	In Date	Due Date	PETITIONER(S)	REQUEST
1-1-055	6/09/09	7/09/09	Phillip & Coleen Bobzien	Fence

Old & New Business in Order of Discussion:

1. Members reviewed 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**. The request is for eleven (11) trees that are all close to the house and show signs of disease. Previously, members viewed the property and noted that one of the trees was on the Greenbelt, and three of the trees bordered the greenbelt. Ted Buehler, Greenbelt Committee Chair was notified. Members discussed all aspects of the request; particularly that Mr. & Ms. Thompson be made aware that before any trees are removed the committee would encourage them to gain professional advice regarding the impact on drainage by the removal of so many trees, and that liability for any drainage issues would be their responsibility. An approval letter will be sent with a statement notifying Mr. & Ms. Thompson that they will need to wait for Greenbelt approval as well prior to removal.
2. Members held a lengthy discussion regarding a **fence request** made by **Phillip & Coleen Bobzien, lot # 1-1-055, 62 Puget Loop**. Members conducted site visits prior to this day's meeting to evaluate the area. With the information that was provided the committee determined that the rationale for the fencing enclosure is not adequate.

* Please read item # 2 for clarification

However, the committee does approve the screening of the propane tank and the garbage cans. The reasons for this denial were based on the following

1. *LMC Regulation II, Article II, Paragraph 13 states: "House plans must provide for the screening of garbage cans and trash areas from the view of adjacent properties and roads".*
2. *LMC Regulation II, Article I Paragraph 20 states: "...the ACC may approve the placement of (propane) tanks above ground provided that they are kept from view by screening approved by ACC" A letter will be sent to Mr. & Ms. Bobzien denying their request.*
3. LMC President Elizabeth Van Zonneveld briefly visited this meeting and requested that the ACC would prepare any communications, documents or information that might be available pertaining to the matter of non-compliance to LMC Regulations by Mike & Elizabeth Fessler, owners of lot # 1-2-023, 31 Condon Lane. This is regarding a View and Obstruction Tree Trimming request that the ACC was unable to resolve, therefore it was turned over to the LMC Trustees for their action. Chair Bill Clark assured Ms. Van Zonneveld that the committee would compile whatever information is available.
4. Committee members reviewed ACC fencing guidelines, discussing rationale for fencing and rationale for not allowing fencing according to the Regulations.
5. Members discussed a complaint made by **Jim & Diane Strader, owners of lot # 3-0-043, 624 Rainier Lane** regarding **View Obstruction** caused by overgrown trees and brush on **lot # 7-0-019, 0 Rainier Lane**, belonging to Renee Linnabary. Members conducted a site visit after the June 8, 2009 ACC meeting. During the June 22, 2009 ACC meeting, members Vaughn Bradshaw and Eve McDougall suggested that a letter be sent to Ms. Linnabary informing her that her neighbor Dr. Zoloth, owner of lot # 3-0-052, 632 Rainier Lane, offered to help with trimming the brush. Committee members suggested that if possible, perhaps these neighbors could 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.* Members who were not present at the June 22, 2009 meeting agreed during this meeting that sending a letter to Ms. Linnabary, with would be the best course of action at this time. A letter will be sent.
6. 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. Abbott's 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, they will discuss it during the July 11, 2009 LMC Board Meeting. Mr. Bradshaw will report back to the ACC with the Board recommendation regarding this issue during the July 13, 2009 ACC meeting.

7. Committee members reviewed and approved a **Tree Removal** request made by **Lee Amundson, owner of lot # 2-3-208, 32 Navigator Lane**. Mr. Amundson requested approval to remove one eight and one quarter inch (8 ¼") diameter Cedar tree that an arborist recommend be removed before it interferes with the growth of a vine maple tree nearby. An approval letter will be sent.
8. **Karl Perry, owner of lot # 1-1-033, 83 Helm Lane** requested that the committee approve another roofing material that he may choose to use in lieu of his previously approved June 22, 2009 roofing material request. The new request is the same color (weathered wood), but is manufactured by GAF Owens Corning, rather than Pabco. Both are 40 year guaranteed shingles. The committee reviewed each sample and agreed to approve both materials. An approval letter will be sent.
9. Committee members reviewed and approved a letter request by **Richard Campbell, owner of lot # 1-1-055, 50 Keller Lane** to replace rotten 2 x 6 cedar boards on his deck with new 2 x 6 cedar material, the boards will not be painted or stained.
10. Committee members reviewed and approved a **House Paint** request from **Ken & Tammy Kasza, owners of lot # 1-3-024, 84 Sayward Lane**. Mr. & Ms. Kasza will be using Benjamin Moore Clarksville Gray, HC-102 for the body of the house, Benjamin Moore Catton Balls, OC-122 for the trim, and Benjamin Moore Gloucester Sage, HC-100 for the garage doors. An approval letter will be sent.
11. Committee members discussed two cases that were complaints by neighbors, one about an illegally built shed on Rainier, and one about an unscreened propane tank on Jefferson. Members will drive by the sites and discuss these at the next meeting.

The next regularly scheduled meeting of the ACC will be held Monday July 13, 2009 at 3:00 p.m. The July 6, 2009 meeting adjourned at 4:23 p.m.

Respectfully submitted:
Susan Bartkus,
ACC Recording Secretary

