

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

~ Approved~

Minutes of the Regularly Scheduled August 1, 2011 ACC Meeting

Members Present: Vaughn Bradshaw, Bill Clark, Charlie Jackson and Noble Nilsen

Guests: Verba Abbott, Rosemary Schurman, and Bruce Van Buren.

Call to order: The August 1, 2011 meeting of the Ludlow Maintenance Commission (LMC) Architectural Control Committee (ACC) was called to order at 3:05 p.m. by Chair Bill Clark. Present were members and guests as listed above. Members Carol Ann Napheys and Sharron Sherfick were absent from this meeting as were alternate members Jeff Beres & Joe Murray.

Approvals:

- The July 18, 2011 Meeting Minutes were reviewed and approved as corrected.
- The ACC duly discussed and approved the following requests:

2-2-049	7/26/11	Bob & Barbara Sexauer	20 Resolute Lane	Roofing
2-3-089	7/26/11	Ken Schneider	181 Pioneer Dr.	House Paint
2-3-080	7/31/11	Bill Couch	21 Keefe Lane	Beam Extensions/Arbor
1-4-039	7/5/11	David A. Lawrence	331 Rainier Lane	Fence
2-3-187	6/24/11	Dean Morgan/Adele Govert	55 Seafarer Lane	Tree Removal
1-4-013	5/12/11	Bruce & Eva Van Buren	96 Cascade Lane	Greenhouse
1-2-037	7/28/11	Karen Brattain	220 Condon Lane	House Paint Extension

Old and New Business: conducted to facilitate guests, therefore they are transcribed in order of discussion

1. (1:13) **Verba Abbott, owner of lot # 1-2-034, 210 Condon Lane** attended this day's meeting regarding a retroactive application that she has submitted for approval of a streetlight that she has installed on her property. She called her neighbor's to make sure there was no intrusion on their property, none objected to the installation. She did not call Karen Brattain, located on the other side of her property. Ms. Abbott reports that it's a 13 amp light that projects just a few feet onto the street. Members reviewed the application. Ms. Abbott's neighbor, Rosemary Schurman, commented that according to her interpretation the LMC Regulations say that it cannot intrude on the neighbors, and reported that they observed the light projection and it does not. Members will conduct a site visit during day and night hours and make a decision at the next ACC meeting.
2. (4:48) Ms. Abbott also brought up an ongoing **Tree & View Obstruction** relief request she submitted in 2008 regarding trees that belong to Richard & Mary Babaian, owners of lot # 1-2-035, 211 Condon Lane. Ms. Abbott recalled that Mr. Babaian was supposed to enter into mediation with her this past May, in accordance with the new tree and view regulations, but he still has not returned from Texas, nor contacted her. Further discussion was held pertaining to the new and old regulations later during this meeting at approximately 19:19 minutes, amidst other matters that were being discussed. Members noted that if mediation proved unsuccessful, Ms. Abbott comes back to the ACC for the issue to be further discussed.
3. (8:11) Rosemary Schurman, a neighbor and friend of Ms. Abbott brought up the matter of Tree and View Obstruction cases on the books prior to the new regulations being adopted, she noted that the September minutes of the LMC state that if a complaint was filed before the new regulations came into place, a case could be considered under the old regulations. Ms. Schurman thought that in the Caldwell/Weakley and Abbott/Babaian Tree Obstruction requests, having a chance of success would be miniscule. Chair Clark noted that many of these cases were unable to be resolved precisely because the old regulation language was so difficult to apply; he encouraged Ms. Abbott to try and talk with Mr. Babaian one more time. Member Vaughn read the new regulation once to remind everyone of the process, also requesting that Ms. Abbott make one more attempt to reach an agreement with Mr. Babaian.
4. (13:25) Ms. Schurman asked the committee to clarify what would be required to help resolve the issue of LMC sanction removal for Ms. Abbott. Mr. Bradshaw reported that the Trustee's just needed a report to remind them of the history of the case, and that this would be prepared for their review. Ms. Schurman did

note that a petition was submitted that had been signed by many of Ms. Abbott's neighbors asking that the sanctions be lifted and that approval be given to Ms. Abbott's street light installation.

5. (27:14) A request to build a greenhouse submitted on May 12, 2011 by **Mr. Bruce Van Buren, owner of lot # 1-4-013, 96 Cascade Lane** was again reviewed. Mr. Van Buren attended this day's meeting, and has requested approval to remove a group of six (6) Cedar Trees, as well as one (1) request to build a 9' x 12' wood or metal frame greenhouse. Members reviewed their findings during their site visit, noting that the area would soon be unable to be seen by the neighbors who have objected to the greenhouse, as there have been trees (Leland Cypress's) planted by those neighbors that will soon grow to obscure their view of the greenhouse. A survey paid for by Mr. Van Buren and registered with Jefferson County confirms that the property line is indeed where he indicates that it is on Mr. Van Buren's plan, and that the neighbor's driveway is on Mr. Van Buren's property. Members reminded Mr. Van Buren to keep the drip line of the greenhouse five (5) feet from the property line. Members unanimously approved this application, noting that this will be a high quality greenhouse made of exceptional materials, an approval letter will be sent.
6. (40:02) Chair Clark noted that he received an email communication dated July 29, 2011 from one of Ms. Abbott's neighbors, who reported that Ms. Abbott planted the Arborvitaes over two years ago to provide privacy, not to mitigate drainage issues from her 2010 unapproved tree limbing activities.
7. (41:49) July 18, 2011 Meeting Minutes were approved as corrected.
8. (43:57) A **Roofing request submitted by Bob & Barbara Sexauer, owners of lot # 2-2-049, 20 Resolute Lane**, to have "Do it Right Roofing" install Pabco Premier 40 year shingles in the color of Weathered Wood was unanimously approved by the committee. An approval letter will be sent.
9. (44:52) A **Tree & View Obstruction request was submitted by Marilyn Wilson, owner of lot # 1-5-027, 91 Drew Lane** regarding trees planted on lot lines over 3 years ago. Ms. Wilson is concerned about her view loss and says that the trees are now about 16'. Ms. Wilson's complaint was passed to the ACC by the Greenbelt committee. Members Noble Nilsen and Charlie Jackson will conduct a site visit to observe the issue.
10. (47:18) A request to **re-paint his home with the existing colors was submitted by Ken, Schneider owner of lot # 2-3-089, 181 Pioneer Drive**. The committee unanimously approved this request, an approval letter will be sent to Mr. Schneider's daughter, Jane Slater who will be overseeing this repaint for him.
11. (49:21) A **Tree Removal Request submitted by Michael & Liz Fessler, owners of lot #'s 1-2-022 & 1-2-023, 31 Condon Lane** was reviewed by the committee. Mr. & Ms. Fessler state on their application that there is a tree located on their undeveloped lot which is too close to utility cable to be removed, and a decorative tree, a trimmed oak tree will not survive topping and needs to be removed. Jefferson County approval has already given approval, a copy of which is enclosed with Mr. & Ms. Fessler's request. Chair Clark explained the history of this matter with the committee. Chair Clark and members Bradshaw, Jackson and Nilsen will all conduct a site visit to ascertain the facts.
12. (64:59) A **House Paint extension request was submitted by Karen Brattain, owner of lot # 1-2-037, 220 Condon Lane**. Ms. Brattain stated on her request that they have been working on re-painting the house when the weather has permitted and has been unable to complete it since her approved request of August 16, 2010. Members approved this request, an approval letter will be sent.
13. (66:26) Three **complaints about Karen Brattain, owner of lot # 1-2-027, 220 Condon Lane, were submitted by Verba Abbott, owner of lot # 1-2-038, 210 Condon Lane**. Ms. Abbott's complaint cites three matters as she states *1) House paint not complete 2) Electric Fence in back yard 3) 2 different kinds of fence patterns around patio visible from my house*. Members agree that the House Paint complaint is now resolved, as Ms. Brattain will be completing her house painting. As for the other matters, Ms. Brattain's file will be reviewed to see if the fences were ever approved, members will contact Ms. Brattain for a site visit appointment.
14. (76:25) **Bill Couch, owner of lot # 2-3-080 submitted a request to construct an Arbor/Beam Extension** on the side of his home. Mr. Couch submitted photographs with sketching to illustrate what is to be done. Mr. Couch states *"Sketch is not to scale, posts are 6x6 to match existing support beam is 4x8 with rafters @ 4x6 and slats @ 2x4's. Posts (6x6) will be covered as per existing with cedar shingles and all is stained to match existing color. All timber is rough cut cedar. Slopes (pitch) and over-hangs will match existing, this is my attempt to make that side of the house more visually complete*. After much discussion, members unanimously agreed to approve this request, an approval letter will be sent.
15. (85:00) **David Lawrence, owner of lot # 1-4-039, 331 Rainier Lane** submitted a request on July 5, 2011 to build a six foot (6') high by forty five (45') long Cedar fence of vertical boards with horizontal stringers for privacy, to delineate the property line and hide his neighbor's junk & trash. A plan graph and photographs of the area were enclosed with his request. Neighbor notices were sent out on July 7, 2011 and responses were due back by July 22, 2011, no responses were received. After reviewing the

regulations and discussing the merits of the fence, members unanimously agreed to approve this request, an approval letter will be sent.

1. (99:33) **Dean Morgan and Adele Govert, owners of lot # 2-3-187, 55 Seafarer Lane**, submitted a request on June 24, 2011 to remove one Western Red Cedar to maintain the view of several neighboring homes. The tree will be replaced with a line of rhododendrons. Members Clark, Bradshaw, and Jackson conducted a site visit and have agreed to unanimously approve this request and to thank the couple for their willingness to maintain their neighbors' views.
2. (97:37) **Carla Caldwell, owner of lot # 1-2-046, 531 Montgomery Lane** spoke with ACC members on July 18, 2011 regarding a tree/view complaint that Mr. & Ms. Caldwell had submitted in 2009 asking for removal or trimming of two Leland Cypress trees on Dave and Anita Weakleys property, lot # 1-2-027, that have grown to obstruct the Caldwell's view. Ms. Caldwell gave a synopsis of the steps that both parties have taken regarding the possible removal of these trees, stating that there seems to be no way to reach a solution with Mr. & Ms. Weakley and she would like the committee to help now. Chair Clark and member Vaughn Bradshaw discussed many issues surrounding the Ludlow Maintenance Commissions (LMC) regulations with Ms. Caldwell and the documentation that both she and Mr. & Ms. Weakley have obtained from botanists, arborists and geo tech reports. Mr. Clark asked that any documentation that could be provided would help the committee to examine this matter with more clarity; Ms. Caldwell provided a copy of the arborist report that she had consulted, dated December 3, 2010. After the last meeting, Chair Clark attempted to contact alternate committee member Joe Thompson, who is by profession a Forrester, asking him to attend the next ACC meeting to consult him on this matter. Mr. Clark also remarked that he read the geo tech report provided to the ACC from Rosemary Schurman (who went to Jefferson County officials to obtain a copy), finding that there was nothing in there that said the Weakleys trees needed to be retained to protect the bluff; though he did find many comments about drainage. Mr. Clark also noted that he read a geo tech report acquired by Dan Miller, who had built a stairway to the beach a few years ago; approval by Jefferson County of this stairway required Mr. Miller to get a geo tech report at that time. Mr. Clark noted that nothing was in that report to negate trimming of trees. Mr. Clark will try to obtain a copy of other reports he knows of by arborists and other geo techs, so that the committee can try to educate themselves further before acting on this matter. Mr. Clark notes that these neighbors have completed steps one and two of the regulations. Member Bradshaw commented that it is known that the severe sloughing of Mr. & Ms. Weakleys bluff was in fact primarily due to drainage, and that this was a very traumatic event for them, and that the committee will need to consider this as well. Many other factors surrounding these issues were discussed, especially what experts to contact to provide as much information as possible. Members agree to continue to work on this matter thoroughly, examining every avenue they can, to document every step, possibly to enlist the consultation of different experts independent of those cited, to obtain the best decision possible.
3. (140:00) Chair Clark notified members that he will be out of town from September 8, 2011, until October 6, 2011.

The August 1, 2011 ACC meeting was adjourned at 5:25 p.m.

Respectfully submitted:
Susan Bartkus, ACC Recording Secretary