

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

~ Approved ~

~Minutes of the Regularly Scheduled August 10, 2009 ACC Meeting

**Members Present:** Vaughn Bradshaw, Bill Clark, Eve McDougall

**Call to order:**

The August 10, 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. Also in attendance were members Vaughn Bradshaw, and Eve McDougall. Members Jim Boyer and Sharron Sherfick were absent from this meeting. Attached to these minutes are the Pending Cases that were reviewed during this meeting.

**Guests:** Richard Babaian

**Approvals:**

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

LOT #	In Date	Due Date	PETITIONER(S)	REQUEST
5-0-012	8/05/09	9/05/09	Robert P. Balck	House Paint
1-1-053	6/08/09		Cary Casal	New Home Construction

**Denials:**

The ACC duly discussed and denied the following request:

LOT #	In Date	DueDate	PETITIONER(S)	REQUEST
2-2-113	7/12/09	8/12/09	(complainant) Robert Lawless	View Obstruction (Trees)
2-3-135			(owner) M. & M. Mathia	

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

**Old & New Business in Order of Discussion:**

1. **A Tree Removal Request submitted by Robert and Linda Prentice, owners of lot # 2-1-042, 365 Montgomery Lane** was discussed. Mr. & Ms. Prentice state in their submission "We would like to remove 2 small cedars on our front "island". They are weak and browning under the canopy of a large pine. They are 9" and 12" at breast height. All other cedars on our street are green and healthy, we will replant with smaller ornamental tree". Members Eve McDougall and Bill Clark will conduct a site visit and report their findings to the committee during the August 24, 2009 ACC meeting.
2. **James Milner, owner of lot # 2-3-030, 631 Pioneer Drive submitted a View Obstruction & Hazard Relief Request.** Mr. Milner included an arborist report with photographs of the trees that he would like to remove, this includes two (2) Hemlock trees, one being twelve (12) inches in diameter and the other, eight (8) inches in diameter that he states are dead and hazardous. He will also be removing another hemlock tree that is less than six (6) inches in diameter. Members Eve McDougall and Bill Clark will conduct a site visit and report their findings to the committee during the August 24, 2009 ACC meeting.

3. Members reviewed and approved a **House Paint request made by Robert Balck, owner of lot # 5-0-012, 192 Montgomery Lane.** Mr. Balck requested permission to re-paint his home with the same colors currently on his home, tan paint for the body of the house, and blue paint for the trim. An approval letter will be sent.
4. A new **Fence request by James Nichols, owner of lot #'s 1-3-017 & 1-3-018, 53 Sayward Lane** was reviewed. In June Mr. Nichols had submitted a request that members agreed could not be approved because the metal fencing material Mr. Nichols was going to use did not conform to ACC Fencing Guidelines. A letter was sent to Mr. Nichols (along with a copy of ACC Fencing Guidelines) requesting that he consider re-applying with an approved material. Mr. Nichols new request conforms to ACC fence guidelines, Neighbor Notices will be sent out right away and members Bill Clark & Eve McDougall will conduct a site visit.
5. Members reviewed ACC Policies and Procedures with regard to reaching decisions within thirty (30) days and how sending Neighbor Notices (which requires a 15 day wait period for neighbors to respond) and how these could affect the decision due dates. Members requested that recording secretary Sue Bartkus send out notices as soon as possible when submitted, thereby reducing the chance that decisions be delayed.
6. Chair Bill Clark reported conducting a site visit to observe the foundation forms for the new home being built 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. Mr. Casal submitted his Jefferson County Building Permit, thus completing his Building Application requirements for the ACC.
7. Members reviewed a **View Obstruction Request made by Robert Lawless, owner of lot # 120 Pioneer,** regarding trees located on **lot # 2-3-135, 0 Explorer, belonging to Michael & Mira Mathia.** Members agreed that at this time, they would have to deny Mr. Lawless request. 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 Mr. & Ms. Mathias and notifying him of the moratorium on other Views and Obstruction Relief Requests
8. Members, and guest **Richard Babaian (owner of lot # 1-2-034, 211 Condon Lane,** and currently has a case that is under the View & Obstruction moratorium) discussed at length requests made by neighbors regarding vacant lots (without the owners requesting removal) and the differences between these requests and those requests made by neighbors for removal of trees on developed lots. LMC Tree and View policy is still being reviewed 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 prepared a draft letter that will be sent to each requestor acknowledging their requests, but advising them of the current situation.

9. 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. A letter will be sent to the complainant.
10. **Richard & Sandra Jackling, owners of lot # 2-3-194, 90 Pathfinder**, previously 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. A letter will be sent to the Jacklings letting them know that the ACC currently has a moratorium about View Obstruction requests regarding trees.
11. Members discussed the possibility of changing the ACC meeting days. Further investigation will be done on room availability.
12. An **Obstruction Request submitted by James & Melva Fitzmorris, owners of lot # 2-3-083, 281 Pioneer Drive**, was again reviewed. Mr. & Ms. Fitzmorris complaint regards 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. Chair Bill Clark and member Eve McDougall conducted a site visit and concluded that the fence is out of compliance and the tank might have been screened from the Fitzmorris' view, but is not screened now. Chair Bill Clark read a draft letter he prepared for Mr. & Ms. Siemssen, he and committee members decided to rework the letter prior to sending it.
13. Committee members and Mr. Babaian conducted prolonged discussion about violations, complaints and how to possibly alleviate or resolve these issues.
14. Members agreed to spend time after this meeting reviewing and revising the ACC Policies and Procedures Draft.
15. Members held a brief discussion about the \$500.00 Construction Application Fee,

Members reviewed and approved the July 13, 2009 Meeting Minutes as written.

The next regularly scheduled meeting of the ACC will be held Monday August 24, 2009 at 3:00 p.m. The August 10, 2009 meeting adjourned at 4:48 p.m.

Respectfully submitted:  
Susan Bartkus,  
ACC Recording Secretary