

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

~ Approved ~

~Minutes of the Regularly Scheduled August 24, 2009 ACC Meeting

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

**Guest:** Richard Babaian

**Call to order:**

The August 24, 2009 meeting of the Ludlow Maintenance Commission (LMC) Architectural Control Committee (ACC) was called to order at 3:00 p.m. by Chair Bill Clark. Also in attendance were members Jim Boyer, Vaughn Bradshaw, Eve McDougall, and Sharron Sherfick. Attached to these minutes are the Pending Cases that were reviewed during this meeting.

**Approvals:**

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

LOT #	In Date	Due Date	PETITIONER(S)	REQUEST
5-1-014	8/12/09	9/12/09	Robert Gilbert & David Gooding	House Re-paint
2-1-019	8/20/09	9/20/09	Elizabeth Meyer	House Paint
2-1-051	8/19/09	9/19/09	Jacklyn & Cliff Rick	House Paint
1-1-015	8/21/09	9/21/09	Diane & Ron Campo	House Paint
1-1-053	8/14/09	8/23/09	Cary Casal (complainant)	Hazardous Tree
1-1-054			John Heiderich (owner)	
1-4-045	8/11/09	9/11/09	Carol Taplin	Plan for existing shed
2-3-030	8/08/09	9/9/09	James Milner	Hazardous Trees
1-3-017	8/07/09	8/29/09	James Nichols	Fence
1-3-018				
2-1-042	7/29/09	8/29/09	Robert & Linda Prentice	Tree Removal
1-1-053	6/08/09		Cary Casal	New House, conditions For final approval met

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

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

1. Committee members reviewed and approved a **House Paint** request made by **Roberta Gilbert & David Gooding**, owners of lot # 5-1-014, 120 Montgomery Lane, who will be repainting their home with the same Sherwin William paint colors that are currently on their home, Driftwood for the body of the house, Juniper Blue for the garage door and the posts at the front door, and Chestnut for the deck support beams. An approval letter will be sent.
2. ACC Chair Bill Clark reported that **Ms. Elizabeth Meyer**, owner of lot # 2-2-019, 151 Rainier Lane, called him on Friday August 14, 2009 to ask him if a **house paint request** that she had gotten ACC approval for five (5) years ago

was still valid. Mr. Clark told Ms. Meyer that she would have to submit a new request form as approvals are only valid for six (6) months. Ms. Meyer was concerned with getting approval as soon as possible as she had a painter available and didn't want to lose the opportunity to get the work done. Mr. Clark contacted other committee members to try and expedite this request. Members Eve McDougall, Sharron Sherfick and Vaughn Bradshaw stopped into the Beach Club and reviewed Ms. Meyers request (and True Value paint samples of Seafoam for the body & Weather All Candle for the trim). Each member and Chair Bill Clark signed their approval of the colors, and Ms. Meyer was telephoned with verbal approval. A letter confirming approval will be sent.

3. A request to **re-paint** their home with Cape Cod Blue and Charcoal Grey was submitted by **Jacklyn & Cliff Rick**, owners of lot # 2-1-051, 241 Montgomery Lane. Members reviewed and approved this request, an approval letter will be sent.
4. **Diane & Ron Campo**, owners of lot # 1-1-015, 81 Gamble Lane submitted a **House Paint** request to use Sherwin Williams Dark Tan for the body of their home, and Medium Tan for the trim. Member reviewed the colors and unanimously approved this request. An approval letter will be sent
5. Members reviewed a **Tree Trimming** request made by **Annette Isaksen**, owner of lot # 1-1-008, 50 Gamble Lane. Ms. Isaksen would like to top one split trunk Douglas fir with two tree tops above eight foot high, and an adjacent Fir tree that is located on the northwest corner of her lot. She stated in her request that she wants to do this to improve the view for her neighbors, Kent & Wendy Chesney, owners of lot # 1-1-014, 61 Gamble Lane. Members Bill Clark and Eve McDougall will visit the site and report back to the committee during the September 14, 2009 ACC meeting.
6. **Cary Casal**, owner of lot # 1-1-053, 53 Puget Loop, reported to Chair Bill Clark that a thirty inch diameter Maple tree belonging to his neighbor, **John Heiderich**, owner of lot # 1-1-054, 54 Puget Loop, had a six foot crack in the trunk and was posing a **Hazard** to the safety of his property. Members Bill Clark and Eve McDougall went and looked at the tree which they concluded was indeed a hazard. Mr. Clark call Mr. Heiderich (who was in Seattle at the time), and reported the problem, Mr. Heiderich arranged to have the tree removed right away by Dave's Tree Service.
7. A **complaint** that was originally submitted to the Operations Committee on June 19, 2004, by **Robert & Dolores Lickar**, owners of lot # 1-1-027, 22 Cressey Lane was submitted to the ACC on August 23, 2009 by Mr. & Ms. Lickar. Ms. Lickar states in her request "RE: Birch Tree @ 42 Helm Lane, belonging to Michael & Sharon May. Back in 2004 LMC addressed our request to have the referenced tree cut down since it interferes with the view of the water from our deck. Since then the house was sold so I don't think the people living there now are aware of the situation that existed, the tree has grown back above the roof top and will possibly be 30' tall or will be upon maturity. It is my understanding that the by-laws do not allow this. I would like to have this tree cut down in a timely manner. Thank you and I

appreciate your cooperation in this matter". Members agreed that this request could not be considered at this time until the Trees and Views Moratorium is no longer in effect. A notification of this will be sent to Mr. & Ms. Lickar. Their request will remain on the ACC *Tree Moratorium Case File List* to be considered at such a time as the LMC Board of Trustees gives direction to the ACC regarding these matters. LMC Tree and View policy is still being reviewed by legal counsel 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 has prepared a letter that will be sent to each requestor acknowledging their requests, but advising them of the current situation.

8. Members reviewed and approved **Shed** plans that were submitted by **Carol Taplin**, owner of lot # 1-4-045, 264 Rainier Lane. Previously, members had received a complaint that a shed had been built without ACC approval. Members visited the site, observed that the shed was within ACC guidelines, but had indeed the shed had not been ACC approved. A letter was sent to Ms. Taplin requesting that she submit plans for her shed, she has now done so and apologized for not following the proper protocol, she stated that she was new to the area and was unaware of the Regulations. A thank you letter of approval will be sent (along with a copy of LMC Covenants and Regulations).
9. **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. Mr. Milner will also be removing another hemlock tree that is less than six (6) inches in diameter. Members Eve McDougall and Bill Clark conducted a site visit, upon their recommendation members agreed to approve this request. At guest Richard Babaians suggestion, language will be included in the approval letter encouraging Mr. Milner to consider re-planting with low growing vegetation, shrubs or trees that would not exceed eight foot in height, thereby helping to control erosion and/or drainage that might occur as a result of removing the Hemlock trees. Mr. Babaiian requested that this suggestion might become standard in all Tree Removal Approval letters.
10. A **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 for a fence made of Cedar, with one inch spacing between the boards (reversed every eight feet) conforms to ACC fence guidelines. Neighbor Notices were sent out, but the response time will not expire until August 25, 2009. Members Bill Clark & Eve McDougall conducted a site visit, upon their recommendation members agreed that this fence could be approved contingent upon no negative neighbor responses being submitted prior to the expiration date. If none have arrived, an approval letter will be sent.

11. A **Tree Removal Request submitted by Robert and Linda Prentice, owners of lot # 2-1-042, 365 Montgomery Lane** was discussed. Mr. & Ms. Prentice stated in their July 29, 2009 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 conducted a site visit and reported their findings to the committee. Upon their recommendation members agreed to approve this request. An approval letter will be sent.
12. A final review was done for the **New Home Construction** being built by **Cary Casal, owner of lot # 1-0-053, 53 Puget Loop** Mr. Casal submitted his Jefferson County Building Permit, thus completing his Building Application requirements for the ACC. Copies of all approvals and a final approval letter will be sent, this case will now be removed from the agenda.
13. Members again reviewed the July 12, 2009 **View Obstruction Request made by Robert Lawless**, owner of lot # 120 Pioneer, regarding trees located on lot # 2-3-150, 60 Explorer, belonging to Shannon Lowrie. Mr. Lawless has been sent a copy of the moratorium notification letter. His request will remain on the ACC *Tree Moratorium Case File List* to be considered at such a time as the LMC Board of Trustees gives direction to the ACC regarding these matters
14. **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 Gerard & Viola Herkes**. Mr. & Ms Jackling stated that the Herkes have no objections but wanted Mr. & Ms. Jackling to process the paperwork. A letter will be sent to Mr. & Ms. Jackling letting them know that the ACC currently has a moratorium about View Obstruction requests regarding trees, however as the owners the Herkes would be able to apply for this request themselves.
15. Committee members and guest Richard Babaian held a prolonged discussion about tree removal, drainage, and complications that can occur from tree removals, such as erosion and run-off. ACC Tree & View Moratorium letters will be sent to **Richard & Mary Babaian**, owners of lot # 1-2-034, 211 Condon Lane, **Dan & Jennifer Miller**, owners of lot # 1-2-035, 201 Condon Lane, and **Don & Verba Abbott**, owners of lot # 210 Condon Lane. Mr. & Ms. Abbott submitted requests pertaining to trimming or removal of trees owned by their neighbors, the Babaians and the Millers in March of 2009.

This request will remain on the ACC *Tree Moratorium Case File List* to be considered at such a time as the LMC Board of Trustees gives direction to the ACC regarding these matters.

16. Members spent considerable time discussing Covenant & Regulation Committee (CRC) regulations pertaining to "21" day letters, times lines, regulations regarding tree removals, waiting times for the appeals process, and ACC Policies & Procedures. Members agreed that they would join the CRC meeting on Tuesday September 1, 2009 to discuss these matters.
17. Members held a discussion about the complications that could arise from changing or refunding \$500.00 Construction Application Fee for applicants. This matter will remain pending.
18. Members discussed changing the ACC meeting days and agreed to change the regularly scheduled ACC meetings from the second (2<sup>nd</sup>) and fourth (4<sup>th</sup>) Mondays of each month to the first (1<sup>st</sup>) and (3<sup>rd</sup>) Mondays of each month, beginning in October. Sue will speak with Kim Monroe the office manager to re-schedule the dates.

Members reviewed and approved the July 27, 2009 Meeting Minutes as written. The Minutes of the August 10, 2009 Meeting were approved as corrected.

The next regularly scheduled meeting of the ACC will be held Monday September 14, 2009 at 3:00 p.m. The August 24, 2009 meeting adjourned at 4:55 p.m.

Respectfully submitted:  
Susan Bartkus,  
ACC Recording Secretary