

Edgemoor Neighborhood Association

Monthly Board Meeting

September 5, 2013

The meeting held in the Library at Fairhaven Middle School was called to order at approximately 7:00pm by ENA Vice-President John Erickson. Lauri Grove recorded the minutes.

Guest Speakers: Attorney, Phil Serka

We had a very nice size gathering in attendance to listen to our speaker, Attorney, Phil Serka talk about the legalities governing height restrictions on trees and vegetation. He offered there are four legal means in effect to restrict the height of trees and protect views. These are Subdivision Covenants, Private Property Covenants, Common-Law and Zoning Regulations. Phil briefly defined each method.

Subdivision Covenants or CCR's are usually put in place by the developer and ideally apply uniformly to the entire subdivision. However, Edgemoor was first developed by the Larrabee family with few if any defining covenants. As the neighborhood grew incrementally over time the various sections adopted separate CCR's that did not tie into each other. CCR's aren't enforced by the city planners and can only be put in force by legal means – with the assorted covenants throughout Edgemoor that can get problematic.

Private Property Covenants can be created between two (or more) property owners if both are in agreement and willing to legally bind that agreement to property titles. Private covenants offer a localized element of control in an immediate area but could have an effect on market values.

Common-Law Regulations usually deal with trees and vegetations on property boundaries. For example growth that's affecting neighboring foundation, encroaching branches in harm's way, or a dangerous dead tree.

Although there are *Zoning Regulations* that address heights restrictions on vegetation (hedges) and set-backs of walls and fences the City tries to stay out of the view-issue business. There is a process to go through to file a complaint however the city has jurisdiction to decide if it's an issue to enforce and property owners do not have the right to enforce codes.

So...what does one do was the million-dollar question of the evening. Trees and views seem to be very controversial subjects and there were ardent opinions voiced for both sides. Edgemoor would not be the beautiful gentrified neighborhood it is without trees nor would it be the desirable neighborhood it is without views of the water. The best means of controlling heights and preserving views is to considerately listen to one another and work out a compromise. One suggestion was to hire an arborist or photo-shop ideas to plant protecting privacy while allowing views – the right tree in the right place.

Thank you, Phil.

MNAC Report: John Erickson

It's time for a new Mayors Neighborhood Advisory Commission *MNAC* representative. Meetings are every 3rd Wednesday of the month. The mayor attends monthly and it's interesting! Diane is the alternate-rep. and is willing to stay on as rep. but she travels. Any volunteers?

Treasurers Report: Diane Maclean

Diane voiced concerns about the dwindling balance (\$1387.80) in the ENA account and the need to start collecting dues or donations in the future. It was suggested that we post paperwork for donations on the website with our mailing address, have forms available at the meetings and consider a hand-out asking for donations as we have done in the past.

Diane had too many problematic issues with online banking so we are going back to hard-copy bank statements.

Closing:

The meeting was adjourned at 8:22pm

The next meeting will be the ENA Annual Membership Meeting held 7-9pm on Thursday, October 3th in the Library at Fairhaven Middle School. Everyone is encouraged and welcomed to come meet your neighbors and get to know your neighborhood.

*Respectfully Submitted,
Lauri Grove*

(Minutes are subject to approval)