

From: **jeanne** jfstackman@comcast.net
Subject: Attn: Officers of Amberleigh HOA
Date: October 16, 2014 at 6:51 PM
To: Bill Ross bfr4858@gmail.com, Jon Erickson jkerickso@gmail.com, Diana Beaumont mdbeaumont@me.com

Re: Lot #9

Subject: Large root protruding into lawn

Thank you for your response to my email of 10/14/14.

On 10/15/14 Jon Erickson came to view the protruding root, (email of 10/14), he then spoke with me at length.

He explained why my neighbor bore the expense of having a tree removed and a stump grinder to remove the tree stump and the roots.

He spoke of the many Amberleigh residents who have roots of trees coming to the surface; he suggested I should walk around Amberleigh to see those many roots.

He spoke of the cost of reseeding the lawn over the area of the removed root and of the possibility of damaging the drain system.

I told Mr. Erickson I considered contacting the stump grinder, (see paragraph 2), to see if he would be willing to look at the "job" and to ask him how much it would cost.

Mr. Erickson stated that if that happens, I will have to get permission from HOA to have the work done on my front lawn.

I mentioned to Mr. Erickson there is the possibility the large protruding root could cause someone to trip and possibly sustain an injury. (There is the potential for HOA being liable for the injury.)

Mr. Erickson responded, "people walk on the sidewalk--not on your lawn. You are the one who walks on you lawn."

The other option to grinding the root, is to employ one of the gardeners, who would be willing to dig out the root--say on a Saturday. Mr. Erickson said he would look into it.

I request a written response from HOA re: my emails of 10/14/14 and 10/16/14.

Jeanne Stackman, Lot #9

From: **jeanne** jfstackman@comcast.net
Subject: **Attn: Officers of Amberleigh HOA**
Date: **October 14, 2014 at 6:45 PM**
To: **Bill Ross** bfr4858@gmail.com, **Jon Erickson** jkerickso@gmail.com, **Diana Beaumont** mdbeaumont@me.com

Re: **Lot #9**

Subject: **Large root protruding into lawn**

Will you please come and examine this protruding root?

A couple of Years ago HOA had the large tree, (whose roots elevated the front garden), removed and a stump grinder supposedly ground the stump and the major roots. I say "supposedly" because a major root is now elevated to the extent the gardeners cannot mow the lawn over it.

I undersstand that my neighbors, (3 doors down from me), today had the Kenny Tree, Inc. company remove a tree whose roots were jeopardizing the stability of their home. (I have not spoken to these neighbors.)

A stump grinder will come shortly and grind the stump and remaining roots.

My request is this: since HOA had a stump grinder come and grind the stump and roots of my tree, that stump grinder did NOT grind the major roots. The stump grinder you employed at that time, did NOT grind the major root! Anyone not aware of the protrusion in the lawn can trip over it.

If a stump grinder is coming for my neighbors, I am asking you to consider having that stump grinder come to look at the root and give HOA an estimate for grinding the protruding root.

Thank you.

Jeanne Stackman, Lot #9

From: **jeanne** jfstackman@comcast.net
Subject: Re: Attn: Officers of Amberleigh HOA
Date: October 17, 2014 at 10:52 AM
To: Jon Erickson jkerickso@gmail.com
Cc: Bill Ross bfr4858@gmail.com, Diana Beaumont mdbeaumont@me.com

Jon, I am forwarding the email I just received from Karen Erickson. For some reason, it came from **Karen** Erickson. Since Karen sent me the email below, I apologize to her, I hope she gets to read this.

My email was addressed to the HOA board as Karen directs, (see last sentence of her email), I am aware that you, Jon Erickson, as an officer of HOA, will bring the matter up to the Board at the next meeting.

Jeanne

----- Original Message -----

From: Karen Erickson
To: jeanne
Sent: Thursday, October 16, 2014 8:41 PM
Subject: Re: Attn: Officers of Amberleigh HOA

Jeanne

Here's my written response you have requested;

Considering we just talked about your root problem yesterday, and I said I'd talk to the landscapers about removing the root and cost then get back to you, sorry you feel my response isn't fast enough. The board has a meeting scheduled on Oct. 28 I'll bring your request to them along with the 2 e-mails and have them decide a course of action. I won't be doing any inquiries of the landscapers as mentioned yesterday but will leave it up to the board. Further communications concerning this matter will come directly from the board.

In the future please direct all verbal and written requests directly to the HOA board.

Jon Erickson
jkerickso@gmail.com

On Oct 16, 2014, at 6:51 PM, jeanne <jfstackman@comcast.net> wrote:

Re: Lot #9

Subject: Large root protruding into lawn

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He spoke of the cost of reseeding the lawn over the area of the "removed" root and of the possibility of damaging the drain system.

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Mr. Erickson responded, "people walk on the sidewalk--not on your lawn. You are the one who walks on you lawn."

The other option to grinding the root, is to employ one of the gardeners, who would be willing to dig out the root--say on a Saturday. Mr. Erickson said he would look into it.

I request a written response from HOA re: my emails of 10/14/14 and 10/16/14.

Jeanne Stackman, Lot #9

On 10-16-2014 Michael said he looked at the root and that it is already beginning to rot.



Architectural Control Committee
Plan and Specification Review Determination
Roofing Application

Architectural Control Committee approval includes esthetic feature only and does not imply or warrant any structural integrity. This approval is not based on an engineering review of the site plan or structure.

Submittal # :

1. Applicant Information:

Applicant Name: JEANNE STACKMAN Phone #: 337-6146

Applicant Address: 1837-163rd ST. SE.

Date Submitted :

9/15/14

2. Site Information:

Lot #: 9 Division: AMBERLEIGH

Site Address : SAME

3. Type of Roofing to be used:

PRESIDENTIAL TL - COLOR

4. Contractor:

Always Roofing

5. Will a dumpster be used on your property? How long?

Pursuant to the provision of Article VIII, Paragraphs 8.1, 8.2 and 8.2.1, 8.2.2, 8.2.3, 8.3, 8.3.1, 8.3.2, and 8.3.3, and Article IX of the MILL CREEK DECLARATION OF COVENANTS, the following determination by the Architectural control Committee is hereby granted:

Approval subject to the following changes:

Rejected for the following reasons:

(☒) Approve () Reject

(☒) Approve () Reject

() Approve () Reject

() Approve () Reject

() Approve () Reject

() Approve () Reject

Jon Erickson Date: 9/15/14
SUB-ASSOCIATION (IF APPLICABLE) Condominiums & Townhomes
Jon R. R. Date: 9/15/14
MECA Administration or ACC Chair

Mill Creek

COMMUNITY ASSOCIATION

ESTABLISHED 1975

Architectural Control Committee Plan and Specification Review Determination Exterior Painting Application

Architectural Control Committee approval includes esthetic feature only and does not imply or warrant any structural integrity. This approval is not based on an engineering review of the site plan or structure. Please note: You may need the City of Mill Creek's approval. (425) 745-1891.

For MCCA Use
Submittal Number
Date Submitted

6/6/12

SW 7626
Zurich White

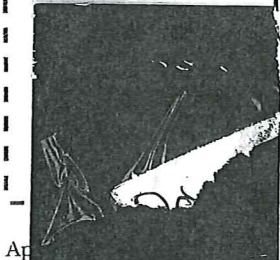
TRIM

Body

SW 6106
Kilim Beige

Accent

SW 6108
Latte



Approved at the MCCA Office in the bottom floor of the John L. Scott Building at

1. Applicant Information

Name: Jeanne STACKMAN Phone: 425-337-6146
Address: 1837-163 Third ST. SE

2. Site Information

Division: Amberleigh Lot Number: 9

3. Color (Please attach all color samples)

House: body SW 1606 Trim: SW 7626 Door: SW 7592
Accent SW 6108

NOTE: Although colors from any source may be submitted, a book of standard colors and combinations is available at the MCCA Office that may be useful, and may speed the approval process.

Pursuant to the provision of Article VIII, Paragraphs 8.1, 8.2 and 8.2.1, 8.2.2, 8.2.3, 8.3, 8.3.1, 8.3.2, and 8.3.3, and Article IX of the MILL CREEK DECLARATION OF COVENANTS, the following determination by the Architectural control Committee is hereby granted:

Approval subject to the following changes:

Rejected for the following reasons:

(X) Approve () Reject

(X) Approve () Reject

() Approve () Reject

() Approve () Reject

() Approve () Reject

() Approve () Reject

Condominiums & Townhomes ACC or Board Approval
Date: 6-6-12

MCCA Administration
Date: 6/6/12

Chairman, Architectural Control Committee
Date:

Date:

Date:

Date:



COMMUNITY ASSOCIATION

ESTABLISHED 1973

Architectural Control Committee Plan and Specification Review Determination Fence Application (Page 1 of 3)

Architectural Control Committee approval includes esthetic feature only and does not imply or warrant any structural integrity. This approval is not based on an engineering review of the site plan or structure. Please note: You may need the City of Mill Creek's approval . (425) 745-1891.

For MCCA Use
Submittal Number 10515
Date Submitted 10/10/11

Attach color samples here.

ACC Insp. Month
ACC Insp.
Inspection Notes

1. Applicant Information	
Name: Jeanna Stackman	Phone: 10-2-2011
Address: 1837 - 163rd St. SE.	
2. Site Information	
Division: Amberleigh	Lot Number: 9
Site Address: 1837 - 163rd St. SE.	
3. Fence Description	
Style of Fence: See attached proposal	
Type of Material: "	" "
Color & Dimensions: "	" "
4. Proposed Construction Drawings - see Page 2.	

Pursuant to the provision of Article VIII, Paragraphs 8.1, 8.2 and 8.2.1, 8.2.2, 8.2.3, 8.3, 8.3.1, 8.3.2, and 8.3.3, and Article IX of the MILL CREEK DECLARATION OF COVENANTS, the following determination by the Architectural control Committee is hereby granted:

Approval subject to the following changes:

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(X) Approve () Reject

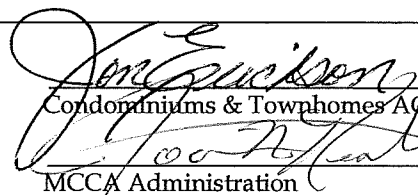
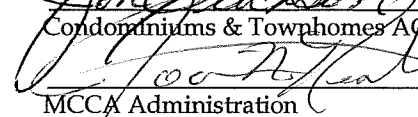
() Approve () Reject

() Approve () Reject

() Approve () Reject

() Approve () Reject

() Approve () Reject

 Date: 10/10/11
Condominiums & Townhomes ACC or Board Approval
 Date: 10/10/11
MCCA Administration

Date:
Chairman, Architectural Control Committee

Date:

Date:

Date:

Application may be mailed to or dropped off at the MCCA Office in the bottom floor of the John L. Scott Building at 15714 Country Club Drive.

11/07/07



COMMUNITY ASSOCIATION

ESTABLISHED 1973

Architectural Control Committee
Plan and Specification Review Determination
Fence Application (Page 2 of 3)

IMPORTANT: Include a sketch of the proposed fencing describing location on the property, dimensions and style (see item #1 of "Basic Policy for Fence Construction" on page 3). Attach additional sheets if needed.

Proposed Construction Drawing
(Property sketch):

See attached proposal. JB

PROPOSAL

PREMIER FENCE INC.

P. O. Box 66 Marysville 98270
4508 - 136 ST. N.E., Marysville
State Lic. PREMIFI997DT

Lynnwood (425) 742 - 8277
Marysville (360) 653 - 6225
Everett (425) 258 - 0254
Fax (360) 653 - 1226
PREMIERFENCEINC.COM
PREMIERFEN@AOL.COM

copy

CUSTOMER Jean Stakman
ADDRESS 1837 163 St SE
CITY Mill Creek, WA 98012
RES. 425 337 6146 BUS. _____
FAX. _____ MOBIL _____
jfstakman@comcast.net

JOB: SITE:

CUSTOMER RESPONSIBLE FOR PERMIT WHERE REQUIRED

DATE September 13 2011

LENGTH	HEIGHT
12'	6'
WALK GATE	DRIVE GATE
1 match Arc Top	none

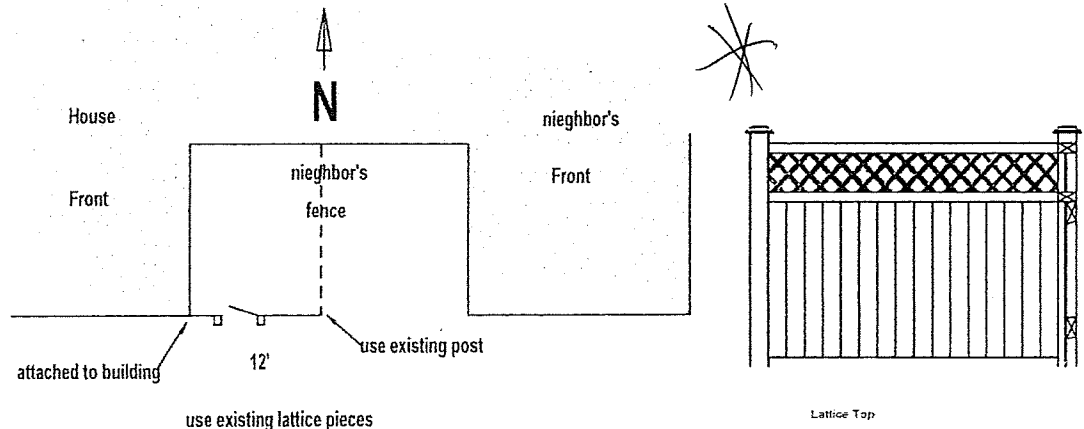
STYLE	
1x4 Lattice Top (PER DRAWING)	
POWER AVAILABLE	
CEDAR GRADE	T. K.
CONCRETE	2'
TO GRADE	yes
STAIRSTEP	
FACING	OUT
POST SPACING	approx. 8'
SET ONLY	
METAL BASE	
COMPLETE	YES
WIRE GAGE	
BARB WIRE	
TEN. WIRE GA	
TERMINAL POSTS	
LINE POSTS	
TOP RAIL	
UNDERGROUND UTILITIES	YES

4 1/8" pressure treated posts (brown tone) - posts troweled for water run off
1 5/8" galvanized steel frame gates

ring shank nails used on face boards

OPTIONS:

replace gate only on existing posts (wood or steel frame) \$383.25 inc. tax



PAYMENT IN FULL DUE ON COMPLETION

Customer advises and warrants that he/she is either the owner - or agent of the owner - of the property described hereon. CUSTOMER ASSUMES FULL RESPONSIBILITY FOR LOCATION OF FENCE and agrees to, at customer's sole expense, defend and hold Premier Fence Company harmless respecting claims of encroachment, claims of damage to underground facilities, and/or any other claims brought on account of the work hereinabove described. CUSTOMER AGREES TO PAY FOR SAID LABOR AND MATERIALS IN FULL UPON COMPLETION. Further, customer acknowledges and agrees that, in the event of collection of customer's payment obligation hereunder is placed in the hands of an attorney, customer shall pay attorney's fees and court costs thereby necessitated. Rebilling fees and 1.5% per month will also be accessed.

PRICE 585.00

SALES TAX 55.58

TOTAL \$ 640.58

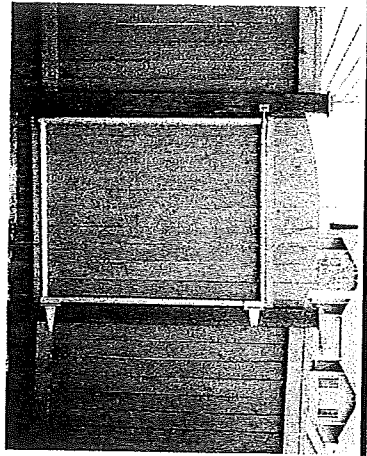
discounted cash / check price

APPROVED AND ACCEPTED

DATE _____ 20 _____

CUSTOMER'S SIGNATURE _____

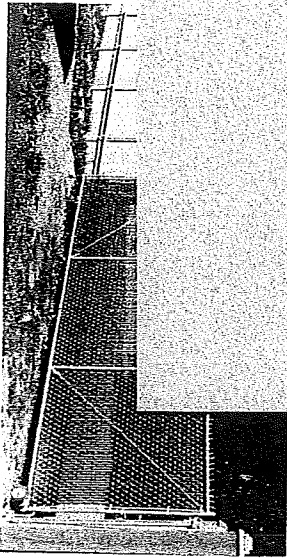
SALES REPRESENTATIVE DAVE RUSSELL



Why Steel Frame Gates?

Premier Fence uses welded 1 5/8" steel frame gates on all cedar gates. We want your gates to last as long as your fence. Hinges or latches stay on. Gates do not sag. DD gates even have adjustment.

Steel Frame
Would Be ON
Inside OF
Fence



Chainlink slide gate on cedar

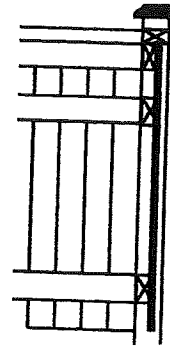
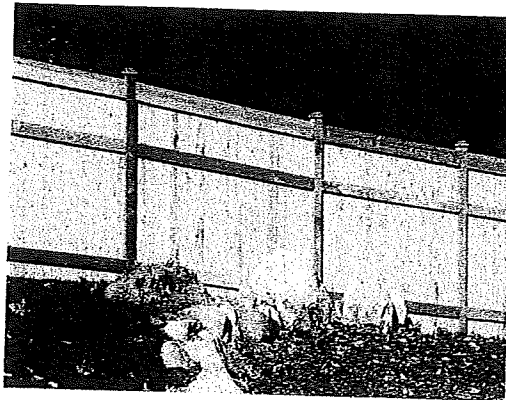
Offering Full Color Systems as well as galvanized fences. Using the right weight of pipe and wire to fit your job. We typically use Industrial and / or heavy residential gate hardware and fittings. (instead of light weight die cast aluminum that can break)

ORNAMENTAL IRON

With any number of weights and styles of ornamental iron, we can use a ornamental iron system that will fit your needs and budget.

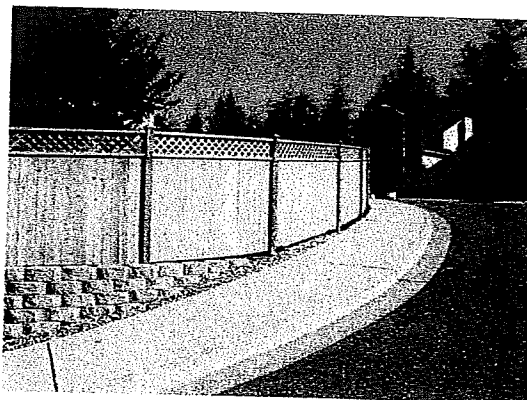
Over a period of 35 years our fences have evolved. We have found what products look the best, last the longest and where to buy them at best prices (truck load pricing). So you can have the best material at the right price. We encourage our customers to come to our yard to see the difference. Even if the home owner builds the fence and it only lasts ten years he has not saved anything. Wood Fences: With proper installation, the right materials can produce a fence that will last 20 plus years.

Ornamental Iron slide gate
(powder coated)



Custom Mod Panel

Like the Mod Panel
but even stronger
with a fourth 2x4.



Lattice Top

Built with four 2x4's per section
Privacy grade lattice (double stapled)
Top two 2x4's dadoed to secure lattice



Architectural Control Committee
Plan and Specification Review Determination
Fence Application (Page 3 of 3)

Basic Policy for Fence Construction

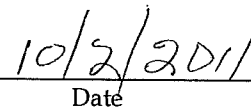
Fences are acceptable structures in Mill Creek, but must be constructed so as to maintain the integral character of the community and, pursuant to this concept, the following guidelines are hereby established by the Architectural Control Committee:

1. Prior to commencement and erection of any fence, a drawing of the design and specifications describing the type, shape, materials, height and color must be submitted, in duplicate, and approved in writing by the Committee. The detailed information must include the exact location of the fence in relation to the property boundaries and existing structures. It is the applicant's responsibility to locate and identify the property markers, both on the site and as submitted on the accompanying sketch.
2. Fences will not be permitted in the following areas:
 - 2.1. Front yard of any lot
 - 2.2. Rear yard of any Fairway lot except where enclosing a swimming pool.
 - 2.3. Cutting preserve area along Village Green Drive and Trillium Boulevard, except when enclosing a swimming pool.
 - 2.4. Any common property, or any portion thereof.
3. General conditions for fencing:
 - 3.1. Natural evergreen screening is encouraged. If natural screening is installed, temporary fencing may be approved if erected simultaneously with natural permanent planting.
 - 3.2. All fences shall harmonize with the existing or new landscaping. The Committee will consider, in addition, the harmony of external design and location in relation to topography and surrounding structures.
 - 3.2.1. Fencing is to be no higher than six feet as measured from average grade surrounding the fence.
 - 3.2.2. The finish shall be consistent with the material and color of the adjoining residence, except natural transparent stain may be used on cedar or redwood fencing.
 - 3.2.3. The finished side must face adjacent properties and streets.
 - 3.2.4. Chainlink and other similar products are strictly prohibited. (Article IX, Paragraph 9.1.10)
 - 3.2.5. All fences shall be maintained in a proper condition.

Please Note: Approved plans are subject to final inspection, if deemed necessary by the Committee. In case of changes, the plans must be resubmitted to the Committee. Any variance from presented plans may be subject to change or removal at the committee's discretion. Any construction without approval will result in a "Stop Work Order" being issued until such time as the property approval process has been complete.

This signature verifies that the applicant has reviewed the above policy, and agrees to abide by all guidelines and terms of approval set forth on the application attached. Signature also implies "Right of Entry" for members of the ACC for the purpose of plan review.


Applicant Signature


Date



Owner Requests ACC Members Call Before Entering Property For Review (*discuss specifics of project, pet in yard, children at home alone, etc.*)

1837 163rd St. SE
Mill Creek, WA 98012
October 1, 2011

Board of Directors
Amberleigh HOA

Re: Approval of a new front fence and gate.

First of all, thank you for your response to my recent letter regarding the height of the garden in front of my patio, (caused by large roots of the maple tree.) Your decision to eliminate the cause of the problem, (The Tree), should end the problem of large roots raising the earth in front of the patio. Thank you again!

I am going to get a new fence and gate. The bottom of the vertical slats have rotted secondary to standing water which was not able to drain out into the front garden.

I ask for the Committee's approval of the fence and gate. I am submitting a diagram of the fence. The estimator did not diagram the gate so I am attaching a picture of the gate (This picture comes from the PREMIER FENCE book. If you need to see the book, I will deliver it to Tony' house.)

As for the color it will be stained; Michael will show me the color of stain approved by the Committee. I will use that color.

You may wonder why the proposal has two estimates. That is because I asked him to give me two estimates—one for just the gate and another one for the fence and the gate. October is not a good month and I do not know if financially I can do both the fence and the gate at this time. **However, I ask the Committee for approval of both items as described in the proposal.**

Sincerely,

A handwritten signature in cursive script that reads "Jeanne Stackman". The signature is written in dark ink and is positioned below the word "Sincerely,".

Jeanne Stackman Lot #9.

1837 163rd St. SE
Mill Creek, WA 98012
September 7, 2011

Board of Directors
Amberleigh Home Owners Assn.

Subject: "The Tree"

The past week, I have been trying to dig a canal adjacent to my concrete patio. My reason for attempting to dig a canal is because the front garden is higher than the patio therefore water cannot drain from the patio into the garden. (The roots of the tree have lifted the soil and stepping stones. It is precarious for anyone to step from the front garden to the patio.)

As I look through the file on the correspondence I have had with you regarding the tree, I found the first time I wrote you was in 2005; the tree was much smaller then. (Copy of document attached.)

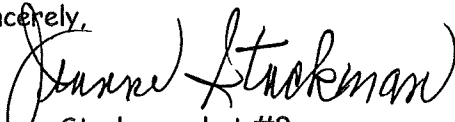
I will not burden you with copies of my yearly correspondence regarding the tree. (I assume you have your own Lot #9 file.) However, I am attaching a copy of the September 2008 Arborist report (This was originally sent to you in 9/2008.)

.Also attached is a copy of an October 2008 email notifying homeowners top soil and seeding was scheduled to occur. Top soil and seeding was applied to my front garden to blanket the surface roots.

And lastly, attached is a copy of a photo I took last year. I had asked my son to dig out dirt to bury a stepping stone which had arisen. In the picture you can see the deep roots he had encountered; he could not complete the task.

I ask the Board to come to Lot #9 to see the problem I am experiencing with the front garden and then notify me of your plans to correct the situation.

Sincerely,



Jeanne Stackman Lot #9

CC Eugene and Mary Hertzke Lot #8

Attachments

May 17, 2005

To: Board of Directors
Amberleigh Homeowners' Association

Re: Request tree removal - see attached

I believe Mike has forwarded this request to the Board. (In his 5/12/05 response to my letter he said, "...I think it best to forward this to the board.") I think you probably have seen this request but in the event you haven't, I am sending you a copy.

As I read Mike's response to my letter, it occurred to me that I may not have been clear about my reasons for the request. It is **not** about the sidewalk, it is about the tree roots which were found to be growing in the direction of my concrete patio. (See highlighted sentence.) You may have noticed the tree has grown very large this year and I believe it will continue to do so. My neighbors in Lot #8, have no problem with the removal of the tree. You may verify this with them.

About a year ago, Lot #11 had a tree removed because it had grown so large; it was approximately 3 to 4 feet proximal to the house. AHOA has since planted a slim tree in its place. Perhaps when we meet, you can help me to understand the difference between the problem Lot #11 had, and my problem.

I can meet with the Board to present this request in person whenever it is convenient for you.

Sincerely,

Jeanne Stackman Lot #9

Attachment

Subj: **Your Letter**
Date: 5/12/2005 5:46:35 PM Pacific Standard Time
From: mdbeaumont@comcast.net
To: grandmajeane506@aol.com

Jeanne

Thank you for your letter at this point I think it best to forward this to the board.

I can appreciate your concerns about tree roots but I do not share your opinion that the tree is going to produce a root big enough to cause damage to the patio. We have the same trees through out Amberleigh that are closer to sidewalks and have no indication of any root problems.

I think all of the trees and plants we have are essential to the beauty of Amberleigh and to my knowledge a home owner has never been asked to pay for something that was the responsibility of the association. Were trees or plants have been seen to cause or possible cause any problem for a home owner the association I feel has acted quickly and effectively with dealing with the problem.

Please remember I am not a member of the board and the opinions expressed are my and mine alone.

regards

Michael Beaumont
mdbeaumont@comcast.net
New and just updated Beaumont web site
<http://mdbeaumont.home.comcast.net>

Landscape Solutions

DESIGN, DIAGNOSE, CONSULT

September 3, 2008

Jeanne Stockman
1837 163rd Street SE
Mill Creek, WA 98012
425-337-6146

Re: Tree and Shrub Evaluation

Dear Jeanne:

At your request I performed a landscape evaluation on the trees and shrubs located on your property at 1837 163rd Street SE in Mill Creek, WA to determine the relative health of the plant material, and to determine whether any trees (specifically a maple) on the site posed a potential threat to the structure of the home or the underground utilities.

My inspection was a visual one. I focused on trees and shrubs that had suffered from insect or disease damage, and those with obvious individual structural defects, decay, die back, needle thinning etc. I also identified plant material that was suffering from inhospitable site conditions including soil problems with water, or drought. I did not perform soil stability testing nor did I core, sample, or excavate any of the plant material.

The intended purpose of this report is to provide an opinion for the homeowner and the homeowners' association as to whether any plant material should be removed or replaced and to provide planting recommendations. I understand that you are concerned about the tripping hazard that one of the trees surface roots cause, and that you are worried that the roots might be invasive.

If you have any questions regarding this report, I can be reached on my cell phone at: 425-890-3808, or at home at 425-881-7729. Thank you for requesting my services.

Sincerely yours,



Susan Prince
ISA Certified Arborist
PNW #1186

Enclosures:
Report

Assignment:

On August 28th, 2008 I evaluated the trees and shrubs located on the property located at 1837 163rd Street SE, in Mill Creek, WA to assess their health and long term viability.

I am qualified as an ISA Certified Arborist (PNW #1481) to perform this task.

Possible Problems:

- All of the shrubs on site are in excellent health. I noted no insect damage or disease process.
- The yellowing of the Slender Hinoki Cypress located on the east side of your entrance is most likely caused by too much water. It would be beneficial to that tree to restrict the sprinkler head to prevent the soil from becoming overly saturated.



Yellowing Slender Hinoki Cypress
Photo taken looking north

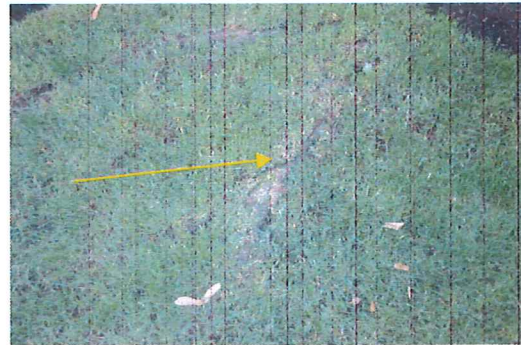
- The large maple located within the grassy area between your home and the home to the east has roots surfacing the lawn that are being damaged by the mower blades. Additionally, there are several less than ideal scaffolding branch attachments.



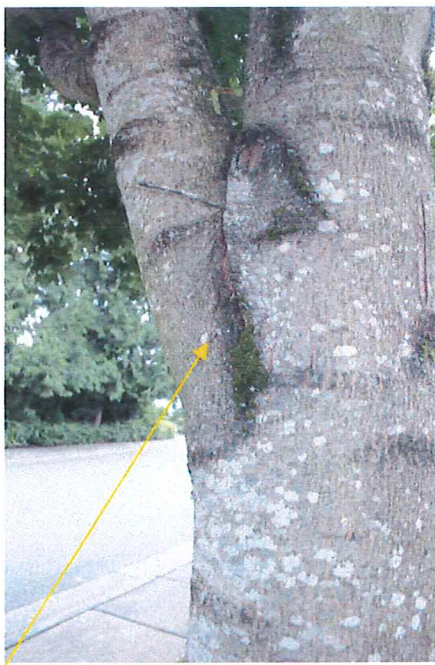
Stackman home
Maple planted within lawn east of home
Photo taken looking north



Surfacing tree roots
Photo looking east



Mower damage



Poor Limb attachment with
included bark



Multiple poor branch attachments with
included bark and flush cut pruning



Katsura's

Pear
Entrance to Subdivision

Maples, Sweet Gum, Plum

Discussion:

I concur with the homeowner that the maple tree is rapidly outgrowing its original placement. The tree is hemmed in on two sides with the asphalt road to the south and the patio and home foundations to the north.

It is not uncommon for the roots to come to the surface seeking moisture, or because the clay soil is inhospitable. In this case the mower blades are damaging them. The soil is settling in between the roots making the walk to the patio somewhat treacherous.

In addition to the root problems, the tree has a cluster of poorly attached branched with included bark and although the tree is in good health at this time, it is ripe for branch failure in the future from snow load or wind shear.

I see no real reason that the tree can not be replaced at this time with a smaller species (example: Kousa dogwood). There exists a large variety of trees along the main street, including Katsura's, Sweet Gum, Maple, Plum and Pear.

By way of compromise the tree would benefit from significant pruning to ANSI 300 Standards (avoiding flush cutting the branches.) To mitigate the tripping hazard the roots cause, the lawn can be removed from the area in front of the gate and the area backfilled with soil. In this way, the tree roots would be protected from the mower blades and the tripping hazard would be removed.

grandmajeanne192@peoplepc.com

From: "Beaumont Michael & Diana" <mdbeaumont@comcast.net>
To: "Beaumont Michael & Diana" <mdbeaumont@comcast.net>
Sent: Wednesday, October 15, 2008 8:33 PM
Subject: Lawn Repair

Just an update

Starting today Wednesday October 15th, the landscape crew will go through all of Amberleigh and mark area's of the lawns that need special attention. On Thursday they will be over seeding and adding top soil to the area's that are seeded. In addition they will be taking out some of the grass around the base of some street trees, where the grass has had difficulty growing. Once this has been accomplished, in order to make the area's under the trees look better, they will be placing one or two large rocks and possible a plant or two. New mulch will be added to these area's also

Michael
mdbeaumont@comcast.net
latest Beaumont web page at
<http://home.comcast.net/~mdbeaumont/>

10/19/2008

lot 9

March 7, 2009

To: Board of Directors
Amberleigh Homeowners Association

Re: 1837 163rd St. SE
Lot #9

Subject: Surfaced tree roots

I've noticed that all Amberleigh homeowners, who have surfaced roots from a tree in their lawn, between the home and the sidewalk, have had the lawn dug out in a semi-circle around the tree. The diameter of the circle extends to the sidewalk.

My neighbor at 1827 163rd St. SE has two trees from which roots have surfaced on to the lawn. The lawn in that area has been dug out.

Why did the gardeners stop digging out lawns beyond 1827 163rd St. SE? Why wasn't the lawn dug out on my property where roots have surfaced, (between my fence and the sidewalk)??

Last year, around October as I recall, the gardeners *sprinkled* some soil over the surfaced roots in the lawn. (It was sprinkled as opposed to a heavy application of soil to provide a "carpet" over the bulging roots.) I assume it was under your orders that they applied the soil as they did.

I ask you to consider the possibility that the roots can cause serious injury to someone tripping over the roots. I urge you to come and look at the area again. I am asking you to do something about this problem.

Sincerely,



Jeanne Stackman

Jeanne: The Board respectfully disagrees about the existence of a problem with the tree roots. Nonetheless, we will ask to have even more soil added in that area.

Bob Williamson, Secretary



April 15, 2009

To: Board of Directors
Amberleigh Homeowners Association

Re: 1837 163rd St. SE
Lot #9

Subject: Surfaced tree roots

Today I received your response to my letter of March 7, 2009. (A copy of your response is attached.)

You did not answer my question i.e. why did the gardeners stop digging out a lawn with surfaced tree roots, once they had dug out the lawn 2 doors west of my home i.e. 1827 163rd St. SE? I am a dues paying member of AHA and I have a right to have my question answered.

ANSWER:

because they only do what they are told to do (I guess).

on what lot?

unintelligible Q.

I use the gate to my patio all the time. The roots present a safety hazard to me and anyone else who walks on that section of lawn.

her opinion

Your letter states you "respectfully disagree about the existence of a problem with the tree roots". The issue is about the SURFACED tree roots. If there are no surfaced tree roots, why then do you say, "...we will ask to have even more soil added in that area."?

ANSWER:

just to make you feel better, even tho we think it unnecessary

Attached are copies of 3 of the photographs I have of the area, (all dated); the photographs clearly show surfaced tree roots.

I will look for your written response to my question, see paragraph two.

Sincerely,

Jeanne Stackman

Jeanne Stackman

Attachments: 4

yes, we see those harmless surface roots.

LOT 9

COPY

March 7, 2009

To: Board of Directors
Amberleigh Homeowners Association

Re: 1837 163rd St. SE
Lot #9

Subject: Surfaced tree roots

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I ask you to consider the possibility that the roots can cause serious injury to someone tripping over the roots. I urge you to come and look at the area again. I am asking you to do something about this problem.

Sincerely,



Jeanne Stackman

Jeanne: The Board respectfully disagrees about the existence of a problem with the tree roots. Nonetheless, we will ask to have even more soil added in that area.

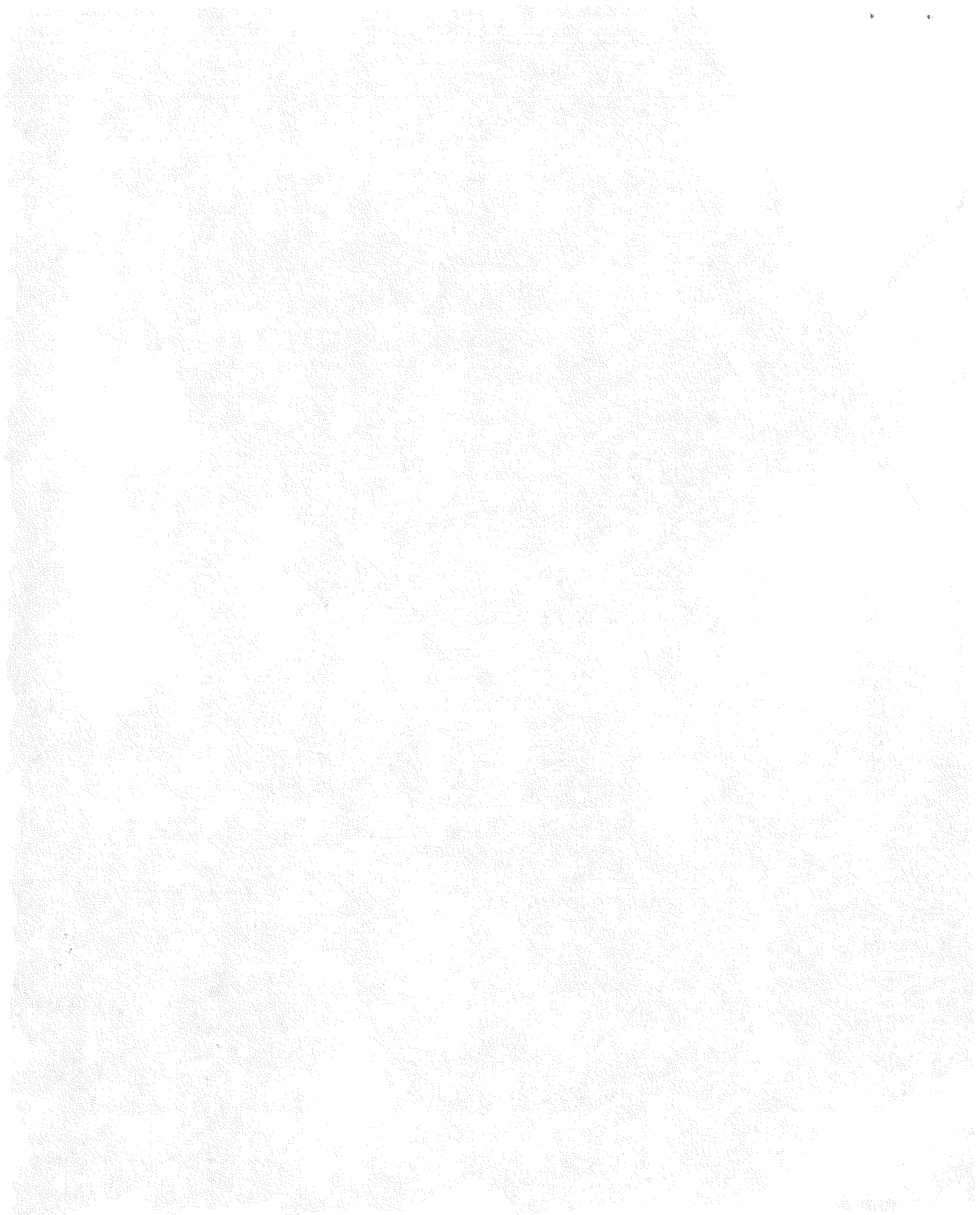
Bob Williamson, Secretary



I was standing in front of my gate to take this picture!

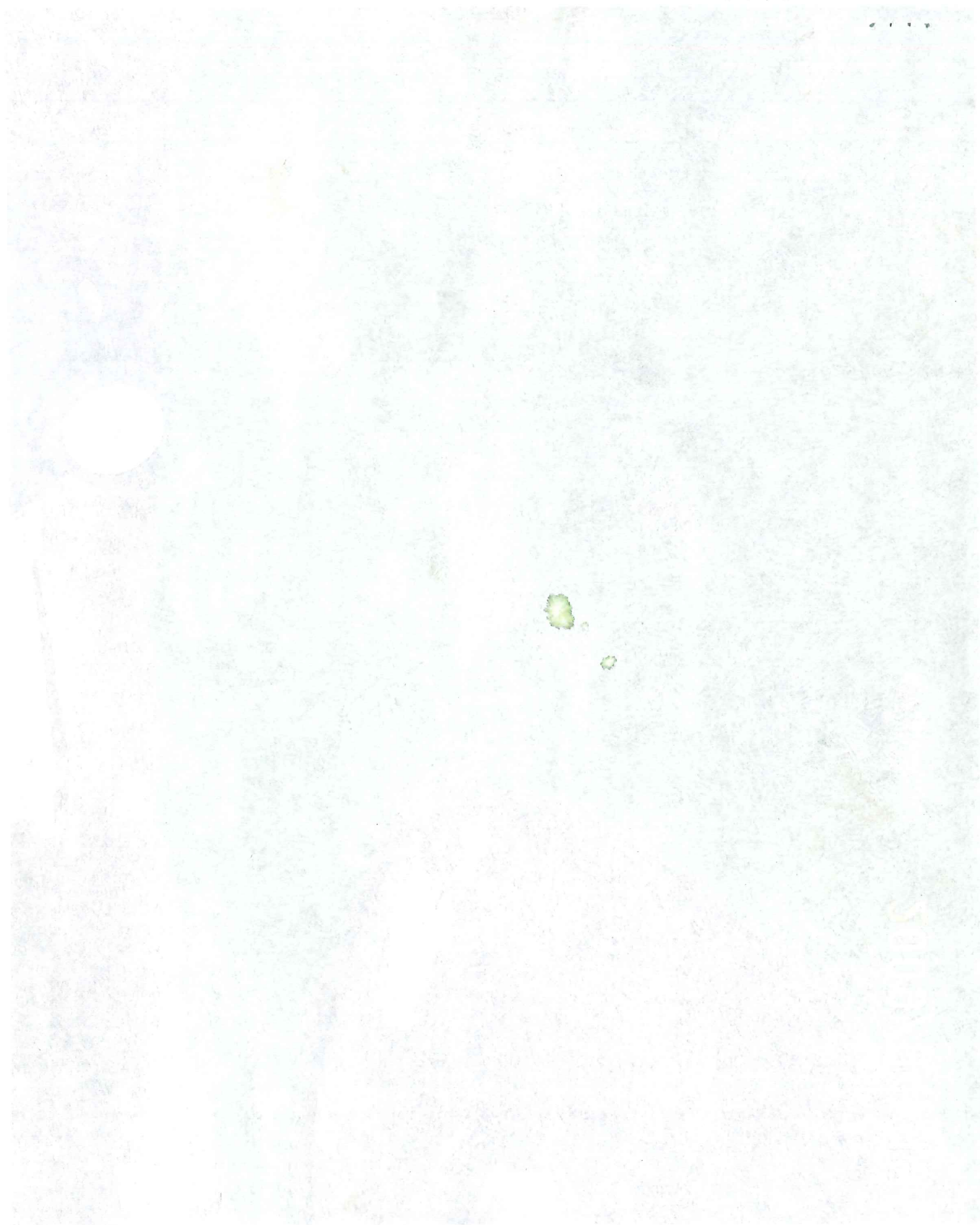


10/01/2008





2009/04/15



LOT 9

March 7, 2009

To: Board of Directors
Amberleigh Homeowners Association

Re: 1837 163rd St. SE
Lot #9

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Sincerely,



Jeanne Stackman

Jeanne: The Board respectfully disagrees about the existence of a problem with the tree roots. Nonetheless, we will ask to have even more soil added in that area.
Bob Williamson, secretary

Bob Williamson

LOT 9

From: Beaumont Michael & Diana [mdbeaumont@comcast.net]
Sent: Tuesday, September 30, 2008 1:57 PM
To: grandmajeanne192@peoplepc.com
Cc: Erickson Jon; Munko Tony; Williamson Robert
Subject: Re: Safety hazard

Jeanne

No one has volunteered to do what I use to do, so at the moment sending the request to the board is what you should do. The gardeners may have added so soil around the gate area, as far as the roots in the lawn, nothing at this time has been done other than a meeting with the gardeners to discuss the issue of the roots and how to address it. They are going to add more top soil to the area and replant it with grass seed. This is going to be done in the near future, when we get a bid back from them to not only do your yard but other area's of grass that need to be rejuvenated.

15' on the grass list.

Michael
mdbeaumont@comcast.net
latest Beaumont web page at
<http://home.comcast.net/~mdbeaumont/>

On Sep 30, 2008, at 12:33 PM, <grandmajeanne192@peoplepc.com> wrote:

LOT 9

Michael, in your email of 9/22/08 you said you were "no longer doing yards" but you did not give the name of the person a homeowner should contact re: "yard work": I am emailing you this and asking you to forward this email to the appropriate person.

Two items: 1. Last Wednesday the gardeners removed the dead Hinoki Cypress. Thank you for taking care of that.

2. I was not home last Wednesday when the gardeners came so I cannot be certain of the following but it looks like the gardeners may have put a small amount of extra soil around the trunk of the tree and quite a bit more in front of the gate and over and around the stepping stones to the gate.

In the Board of AHA letter to me re: "Request for Landscaping Changes", the letter reads, "...We are notifying our landscaping contractor to place some additional soil on that area so that the roots will not present any hazard to anyone walking there..."

I am assuming the Board's instructions were to provide a "cushion" of soil over the roots to prevent an injury to person(s) tripping over the roots.

needs more soil

The roots which have surfaced above the ground are in the grass/lawn, between the sidewalk and the patio gate. If last Wednesday, the gardeners think they have complied with the Board's request, they have not.

The surfaced roots in the grass/lawn remain a hazard/safety issue.

Michael you will note I have emailed a copy of this email to each Board member.

Bob Williamson

From: CONDOGROUNDS@aol.com
Sent: Monday, September 22, 2008 6:13 PM
To: margrave@comcast.net; grandmajeanne192@peoplepc.com
Cc: kerickso@comcast.net; tvnunko@comcast.net; bob@millcreeklawyer.com
Subject: Re: Dead cyprus

I will do up a work order to have it removed. (vs. replaced).

Thanks
Karen
CGM

LOT 9

In a message dated 9/22/2008 5:24:13 P.M. Pacific Daylight Time, margrave@comcast.net writes:

Evening Jeanne

I am no longer doing yards, but I have sent the request for a replacement to the board, and they will make the decision as to what to do about the replacement of your tree. I believe there is a priority list that the board is working off of.

I will contact the gardeners about taking the tree out this week if they can
(Karen Lot 9 Hanoki on the right side of the walk way)

Michael

On Sep 22, 2008, at 5:16 PM, mdbeaumont@comcast.net wrote:

----- Forwarded Message: -----

From: <grandmajeanne192@peoplepc.com>
To: "Michael Beaumont" <mdbeaumont@comcast.net>
Subject: Dead cyprus
Date: Mon, 22 Sep 2008 23:27:30 +0000

Michael, you may have noticed the Golden Hinoki Cyprus is dead and needs to be dug up. After the rains we have had the last 2 days the soil is very wet so it shouldn't be too difficult for the gardeners to dig up.

I am assuming that AHA will replace it with something green from our "shrub replacement" budget. Jeanne

From: <grandmajeanne192@peoplepc.com>
Date: September 22, 2008 4:27:30 PM PDT
To: "Michael Beaumont" <mdbeaumont@comcast.net>
Subject: Dead cyprus

Michael, you may have noticed the Golden Hinoki Cyprus is dead and needs to be dug up. After the rains we have had the last 2 days the soil is very wet so it shouldn't be too difficult for the gardeners to dig up.

Amberleigh Homeowners' Association
 c/o Bob Williamson, Secretary
 16326 - 17th Ave. S.E.
 Mill Creek, WA 98012

Jeanne Stackman
 1837 - 163rd St. S.E.
 Mill Creek, WA 98012

Re: Request for Landscaping Changes

Dear Jeanne:

The Amberleigh Directors met recently and they considered your written request for removal of the maple street located in your front yard. We understand your concerns to center of the size of the tree (you think it is too large) and its exposed roots (you think they may trip someone). The Board does not agree with your assessment, and it will not take steps to remove the tree, and you do not have permission to remove the tree yourself.


We recognize that tree as one of the uniform street trees planted within the neighborhood. The maple street trees are only ten years old, they are all healthy, and they will grow larger with time. They provide a significant enhancement to the overall appearance of the neighborhood. Your own arborist's report is not inconsistent with this evaluation. The maple tree in your yard is not in need of any landscaping attention. It is consistent with Amberleigh's basic Landscape Plans. The removal of that tree would be inconsistent with the Plan. For this reason, your request to remove the tree is denied.

We do agree that there seems to be one or more roots near the surface of the ground that protrude upward. We are notifying our landscape contractor to place some additional soil on that area so that the roots will not present any hazard to anyone walking there. We feel that this measure will adequately address this risk concern. With respect to the HOA's responsibilities, they are whatever they are. It is not our policy to indemnify or hold others harmless, unless the circumstances warrant such action. We are not willing to provide the written assurances you requested.

We understand that you may not like this decision, but we hope that you will realize that we have taken your request seriously and that we believe that our decision is appropriate and fair after consideration of all factors.

Sincerely,

Amberleigh Homeowners' Association

By: 
 Robert Williamson, Secretary

LOT 9

1837 163rd St. SE
Mill Creek, WA 98012
September 10, 2008

To: Board of Directors
Amberleigh Homeowners Association

Re: Maple tree south of Lot #9

I recently reviewed my correspondence file with the Board of Directors and the Landscape Coordinator of the Amberleigh Homeowners Association and found the following to be true:

- I have stated my issues and expressed my concerns with the oversized maple tree south of my property to the Landscape Coordinator and/or the Board annually from May 12, 2005.
- Recently I sent a letter identifying the increasing safety issue that has arisen as a result of the surfacing roots of the tree that make navigating the path from my patio to the mailbox/sidewalk difficult.
- I have asked that the tree be removed on several occasions.

As a member of the community, I understand that all of the maintenance in front of the homes are the responsibility of the AHA. As this tree is now causing a safety issue to the occupants and guests of my home, I would once again request that you have the tree removed.

If as a Board you refuse to remove the tree:

- I would like a waiver signed by all the Board members acknowledging their responsibility for any physical/structural damage to my home and assuming the liability for any injury to anyone accessing or leaving the property through the patio gate.

I am disappointed that this issue has not been fairly resolved.

Attached is an ISA Certified Arborist report assessing the Golden Hinoki Cypress and the Maple tree. If you have any question or would like further clarification from her, you are free to contact her by phone: 425-890-3808, or by email SPrince202@aol.com

I look forward to your response to this request.

Sincerely,



Jeanne Stackman Lot #9

Attachments 2

Date: _____ of September, 2008

We the acting Board of Directors for Amberleigh Homeowners Association acknowledge that we have considered and refused the request by Jeanne Stackman to remove the Maple tree located on the southern side of her property between her gate and the sidewalk.

In doing so, we assume fiscal responsibility for any and all damage that the tree may pose to her property. Furthermore, we release her of all liability that may result from personal injury claims from injury to persons and/or damage to structures resulting from the Maple tree.

----- Date -----
AHA Board Director

----- Date -----
AHA Board Director

----- Date -----
AHA Board Director

Witnessed by ----- Date -----

Copy

Landscape Solutions

DESIGN, DIAGNOSE, CONSULT

September 3, 2008

Jeanne Stockman
1837 163rd Street SE
Mill Creek, WA 98012
425-337-6146

Re: Tree and Shrub Evaluation

Dear Jeanne:

At your request I performed a landscape evaluation on the trees and shrubs located on your property at 1837 163rd Street SE in Mill Creek, WA to determine the relative health of the plant material, and to determine whether any trees (specifically a maple) on the site posed a potential threat to the structure of the home or the underground utilities.

My inspection was a visual one. I focused on trees and shrubs that had suffered from insect or disease damage, and those with obvious individual structural defects, decay, die back, needle thinning etc. I also identified plant material that was suffering from inhospitable site conditions including soil problems with water, or drought. I did not perform soil stability testing nor did I core, sample, or excavate any of the plant material.

The intended purpose of this report is to provide an opinion for the homeowner and the homeowners' association as to whether any plant material should be removed or replaced and to provide planting recommendations. I understand that you are concerned about the tripping hazard that one of the trees surface roots cause, and that you are worried that the roots might be invasive.

If you have any questions regarding this report, I can be reached on my cell phone at: 425-890-3808, or at home at 425-881-7729. Thank you for requesting my services.

Sincerely yours,



Susan Prince
ISA Certified Arborist
PNW #1186

Enclosures:
Report

Assignment:

On August 28th, 2008 I evaluated the trees and shrubs located on the property located at 1837 163rd Street SE, in Mill Creek, WA to assess their health and long term viability.

I am qualified as an ISA Certified Arborist (PNW #1481) to perform this task.

Possible Problems:

- All of the shrubs on site are in excellent health. I noted no insect damage or disease process.
- The yellowing of the Slender Hinoki Cypress located on the east side of your entrance is most likely caused by too much water. It would be beneficial to that tree to restrict the sprinkler head to prevent the soil from becoming overly saturated.



Yellowing Slender Hinoki Cypress
Photo taken looking north

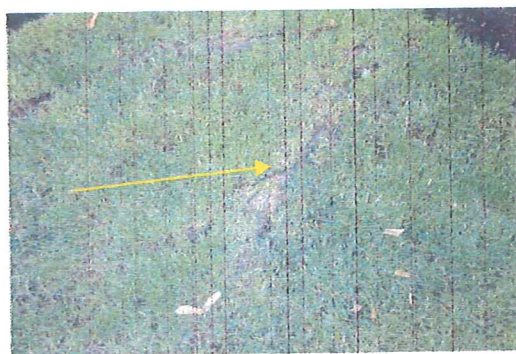
- The large maple located within the grassy area between your home and the home to the east has roots surfacing the lawn that are being damaged by the mower blades. Additionally, there are several less than ideal scaffolding branch attachments.



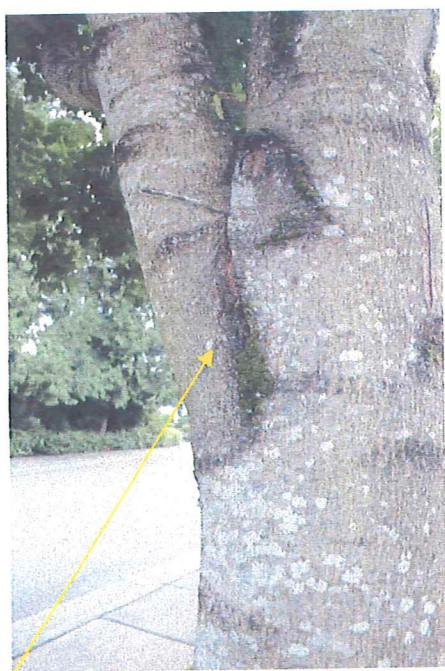
Stackman home
Maple planted within lawn east of home
Photo taken looking north



Surfacing tree roots
Photo looking east



Mower damage



Poor Limb attachment with
included bark



Multiple poor branch attachments with
included bark and flush cut pruning



Katsura's

Pear
Entrance to Subdivision

Maples, Sweet Gum, Plum

Discussion:

I concur with the homeowner that the maple tree is rapidly outgrowing its original placement. The tree is hemmed in on two sides with the asphalt road to the south and the patio and home foundations to the north.

It is not uncommon for the roots to come to the surface seeking moisture, or because the clay soil is inhospitable. In this case the mower blades are damaging them. The soil is settling in between the roots making the walk to the patio somewhat treacherous.

In addition to the root problems, the tree has a cluster of poorly attached branched with included bark and although the tree is in good health at this time, it is ripe for branch failure in the future from snow load or wind shear.

I see no real reason that the tree can not be replaced at this time with a smaller species (example: Kousa dogwood). There exists a large variety of trees along the main street, including Katsura's, Sweet Gum, Maple, Plum and Pear.

By way of compromise the tree would benefit from significant pruning to ANSI 300 Standards (avoiding flush cutting the branches.) To mitigate the tripping hazard the roots cause, the lawn can be removed from the area in front of the gate and the area backfilled with soil. In this way, the tree roots would be protected from the mower blades and the tripping hazard would be removed.

Glossary of Terms

Aeration

Providing oxygen to the root system.

Branch Bark Ridge

A ridge of bark that forms in the branch crotches as specialized tissue of the branch and trunk (or parent stem) meet. The bark ridge usually turns upward.

Compartmentalization

A dynamic tree defense process that forms boundaries that resist the spread of disease causing organisms.

Critical Root Zone (CRZ)

The root system of a tree that is generally considered to be within (under) the dripline of the crown.

Crown

The full compliment of branches, twigs, and leaves of a tree.

DBH: (Diameter Breast Height)

Diameter of the tree trunk at approximately 54 inches from the ground.

Decaying/Decay

Changes over time of host (tree) by a decay organism (pathogen) that results in the breakdown of tissues (wood and bark) which can cause the tree or its parts to become structurally weak.

Decline

A general loss of vitality ("vigor") over the entire tree caused by a disease or by a series of events that disrupt essential life processes, i.e. too much or too little water, too much fertilizer, improper pruning, soil compaction, or chemical pollution.

Dieback

A reduction in the mass of a tree as twigs and branches die.

Dripline

The area under the canopy of a tree

Tree: Heritage

A tree that is equal to or greater than 30" DBH (may vary with municipality)

Tree, Significant:

1. Coniferous tree with DBH of 6" or more (may vary with municipality)
2. Deciduous tree with a DBH of 12" or more (may vary with municipality)

1. Any legal description provided to the consultant/appraiser is assumed to be correct. Any titles and ownerships to any property are assumed to be good and marketable. No responsibility is assumed for matters legal in character. Any and all property is appraised or evaluated as thou free and clear, under responsible ownership and competent management.
2. It is assumed that any property is not in violation of any applicable codes, ordinances, statutes or other governmental regulations.
3. Care has been taken to obtain all information from reliable sources. All data has been verified insofar as possible; however, the consultant/appraiser can neither guarantee nor be responsible for the accuracy of information provided by others.
4. The consultant/appraiser shall not be required to give testimony or to attend court by reason of the report unless subsequent contractual arrangements are made including payment of an additional fee for such services as described in the fee schedule and contract of engagement.
5. Loss or alteration of any part of this report invalidates the entire report.
6. Possession of this report or a copy thereof does not imply right of publication or use for any purpose by any other than the person to whom it is addressed, without the prior expressed written or verbal consent of the consultant/appraiser.
7. Neither all nor any part of the contents of the report, nor copy thereof, shall be conveyed by anyone, including the client to the public through advertising, public relations, news, sales or other media, without the prior expressed written or verbal consent of the consultant/appraiser – particularly as to value conclusions, identity of the consultant/appraiser, or any reference to any professional society or instate or to any initialed designation conferred upon the consultant/appraiser as stated in her qualification.
8. The report and any values expressed herein represent the opinion of the consultant/appraiser, and the consultant's/appraiser's fee is in no way contingent upon the reporting of a specified value, a stipulated result, the occurrence of subsequent event, nor upon any finding to be reported.
9. Sketches, diagrams, graphs and photographs in this report, being intended as visual aid, are not necessarily to scale and should not be construed as engineering or architectural reports or survey.
10. Unless expressed otherwise: 1) information contained in this report covers only those items that were examined and reflects the condition of those items at the time of inspection; and 2: the inspection is limited to visual examination of accessible items without dissection, excavation, probing or coring. There is not warranty or guarantee, expressed or implied, that problems or deficiencies of the plants or property in question may not arise in the future.

