

# **Hawaiian Shores Community Association**

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## **ENFORCEMENT REVIEW COMMITTEE**

### **MINUTES FOR MEETING #9**

**11/13/2019 @ 6 PM**

The meeting was called to order at 6 PM.

In attendance: Kathryn Kuhlman, Roger Guenette, Tom Cumming, Steve Bailey. Kendra Tidwell and Barbara Barr represented HSCA staff.

Absent: Caroline Weber.

The committee reviewed the October 9, 2019 minutes. Roger moved to approve the October 8, 2019 minutes and Kathryn seconded. This motion passed with yes votes and one abstention (Steve Bailey)

The committee then considered old business with the first item involving Lot 1165 and the owner was ready to get approval for his step 2 building request. Unfortunately, the owner has not paid for the \$700 impact fee and was also not in good standing because of not paying annual assessment. The committee did discuss whether or not these items were required as a part of the two-step building process. Tom requested the information in the form of a check list and offered to check what we have in place first. This item will be held until there is more clarity to what we can require, specifically whether or not we require payment of the impact fee and if the member has to be in good standing before step 2 approval is issued.

The next order of old business involved lot 326 and albizia trees on and over property line. The location was checked on October 26, 2019 and the trees were still there. Tom indicated that there are trees at the back of the lot that have already fallen across the property line. Staff was instructed to write a violation letter giving 30 days to remove the trees and the letter should indicate that this letter followed the verbal notice by 30 days.

The next order of old business involved lot 723 and overhanging coconut palm frawns and coconuts that were falling on the roof of the house next door. It is not clear whose trees these are and the front property pin cannot be located. The trees are against and near a rock wall and neither party has agreed to do a survey. Two letters have been sent and no action has been taken other than the removal of one tree that was actually

the one farthest away. After, some discussion Steve agreed to work with Tim and try to locate the rear pin using the metal detector. This item will be held until we can verify whose property the trees are actually on.

The next order of old business involved several issues related to lot 575 including parking on the easement, outdoor lighting, and a non-working vehicle that was in view from the street. The committee had already agreed that since the vehicle being parked in the easement was not impeding our mowing as the car was not there throughout the day that we did not consider this a violation. The issue of the garage lighting being too bright and that these lights are left on to improve the owners view of surveillance cameras. Tom also indicated that we have to verify whether or not we can retroactively apply the outdoor lighting as these lights were in place before the CCR was approved. Two letters had been sent and after much discussion it was agreed to send a fine hearing notice for the next ERC meeting for the nonworking vehicle that is still in sight of the street and to also include in this letter a request to install either a motion detector or smaller wattage bulbs. In the meanwhile, staff will take a look at the lights at night to see if they constitute a nuisance.

The next order of old business involved lot 1036 and albizia trees. There was some confusion about whether this issue was for lot 1036 or lot 1038. Staff verified that the correct lot was 1036. The owner is scheduling this for tree removal but we will keep this as old business until the trees are removed.

The next order of old business involved lot 1553 that involved trees and the fine hearing would be at this meeting. The owner was not present so Steve moved to fine the owner and Roger seconded. This motion passed unanimously.

The next order of old business involved lot 1395 that involved trees on the water line and the fine hearing would be at this meeting. The owner had attended a previous meeting and agreed to remove the tree on the water line within 30 days and others as he was able. The owner was not present so Steve moved to fine the owner for failure to remove the large tree on the water line and Roger seconded. This motion passed unanimously.

The next order of old business involved lot 1195 that involved albizia trees and the fine hearing would be at this meeting. The owner was not present so Steve moved to fine the owner and Roger seconded. This motion passed unanimously.

The next order of old business involved a discussion about whether or not HSCA should consider using stop and desist type orders for certain violations. The committee discussed this issue and how best to deal with the noise issue and permitted work on weekends. This discussion included how or if we should adjust our own CCR and how

the allowed DB levels are different between the County and our CCR. The committee decided not to pursue stop and desist at this time. However, the ERC, DRC, and Board need to discuss the noise issue and whether or not we want to simply adopt the County language or be more restrictive, including banning permitted work at certain times on weekends, thus requiring a variance to be able to do this.

The final order of business involved CCR 15 which was discussed thoroughly as a continuation of the discussion related to stop and desist orders.

The first order of new business involved a review of the fining schedule and recurring fine timelines given our first year of experience in these matters. Steve agreed to review these items, go over some of the revised language that Eileen Ohara had suggested related to our fining procedures and to work with the DRC on the sound issue and variance policy issues to come up with some recommendations for the Board prior to election deadlines for CCR changes.

The next order of new business involved trees on a waterline from lot 1556 and no response to our notices of violation. Staff was instructed to send out the fine hearing notice.

The next order of new business involved albizia trees on lot 981 and no response to our notices of violation. Staff was instructed to send out the fine hearing notice.

The next order of new business involved trees on a waterline from lot 1557 and no response to our notices of violation. Staff was instructed to send out the fine hearing notice.

The next order of new business involved albizia trees on lot 244 and no response to our notices of violation. Staff was instructed to send out the fine hearing notice.


The next order of business involved multiple dwellings on lot 108. However, both units are not currently in use together so this is not a violation but staff will monitor the property usage.

The next order of new business involved albizia trees on lot 1042 and no response to our notices of violation. Staff was instructed to send out the fine hearing notice.

Staff then provided updates and follow up from previous meetings, indicating that lot 1827 had been sent a maintenance plan, the banyan tree roots between lots 609 and 610 are being periodically poisoned by staff to ensure the tree does not grow, lot 246 owner has returned from Europe so we will continue to pursue the albizia tree issue, and we received communication from the owner of lot 1937 indicating he is not making

much noise any more and will finish soon, and the trees on lot 519 trees have been poisoned. Lastly Roger asked that the owner of the lot two down from him be sent a request for a maintenance plan and indicating that the owner needs to maintain the vacant lot better as it had been previously cleared.

There being no further business, the meeting was adjourned at 7:10 PM

  
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Steven Bailey

4/30/2020  
Date