

TREE COMMITTEE MEETING MINUTES for

August 12, 2009

Present: Cherilyn Allen
Roger Festa
Scott Gronhome
David Holcomb
Adam Orkin
Diane Palmer
Mark Law

Absent: Zach Middlebrooks

Adam: Stated that the document had changed and has additional items than what we were working from. Do we want to work from previous document or this (new) one? Preference is with the old but could go with the new.

Diane: The new document is much clearer, easier to follow.

Cherilyn: Agrees

Roger: Does not matter either way. Tree permit is not clear as to who it applies to. Concerned about the calculations formula. Is there any way to simplify?

Scott: How can we simplify?

Mark: I'm with Scott, is it possible to simplify this anymore? It is confusing and may take a little time to calculate, but do not see how it can be made anymore clearer.

Roger: Concerned regarding affidavit. Requiring having it notarized is making what should be an easy process more problematic for the applicant. Devise a simple form/application/notification that states the number of trees, sizes and species if known or at least designate hardwood or evergreen.

Diane: Regarding section 2 prefers the wording provided by Joe Padilla. Also, thinks need to address the wording in section Unrelated to Development.

Adam: Does not think city/arborist should determine if specimen tree MUST be saved. Applicant should have the option to recompense.

Cherilyn: There is the attitude "it's my tree, in my way, and I should be able to remove it".

Adam: Length of time a developer is held responsible for trees. 24 months what it is now?

Roger: Developer may be held responsible for actions of a current occupant that may cause the demise of the tree.

Mark/Scott: A bond will be in required prior to permitting if the critical root zone is shown to be impacted. If the developer/builder encroaches into the critical root zone where it is shown being protected by tree protection fencing, then a bond, 24-36 months may be required prior to issuance of the c.o. The bond will be kept until the time limit and the arborist is satisfied with the condition/health of the tree. If there is any evidence that the property owner's actions may have caused damage to said tree, developer/builder will be released from liability and the property owner may be held responsible.

David: How do we determine who is at fault, and how do we deal with it?

Mark: This would be subjective and on a case by case basis.

Roger: We don't need tree police inspecting every single tree and issuing citations. We should focus on keeping density and trees in the setbacks.

Scott: I thought there was a three year bond required if tree is negatively impacted.

David: Am I responsible if a tree in my yard dies?

Mark: If your actions caused the death of the tree such as grading, filling, trenching, etc.

Adam: So let's back up, in Section 1, we want to reinsert the purpose from the previous draft, and delete the term 'environmentalist' and use 'conservationist' instead.

Roger: Language should be clear it is a tree conservation ordinance for all, not to single out developers.

Adam: in Section 2, make sure it is clearly understood when a Tree Conservation Plan and/or Landscape Plan is required.

Roger: And clearly state those specimens will not be removed without a permit.

Adam: Section 3, definitions, insert make sure replacement tree is defined... 6" above grade.

Scott: Make sure to distinguish between caliper and DBH.

Mark: Caliper – *diameter (in inches) of tree trunk at 6" above ground level*

DBH – *(diameter at breast height), width of tree trunk measured at 4.5' feet above ground level.*

Adam: Clarify that the allowed number of trees to be removed will be non-specimen trees

Roger: The tree removal form should be a simple form with a brief description and sketch included.

David: Form should be available on the web site.

Roger: Regarding trees in the state water buffer, if I cannot count them towards density, then don't include that area. Include the area and count the density units in that area.

Mark: The requirement is that required density be met on site, nothing stating what cannot be counted.

Diane: In Section 4, the last sentence in paragraph 1 should be at the end of the next paragraph.

Regarding Density;

Roger: Developer has to meet required density for entire project somewhere, anywhere on the site. It is the builder's responsibility to meet the site density for that lot. The required unit value or number of trees required should be captured at permitting the site plan. If the lot began and was left with no trees, then ½ the density will be required.

Scott: When does the density requirement come into play?

Mark: When a permit is sought, or illegal activity occurring.

Scott: What if owner does not want trees or wants a pasture.

Roger: Then he needs to buy a lot with little to no trees, or make the contribution to the tree fund.

Mark: Density should be met on the site or in the tree fund.

Adam: The owner as builder will be the one most affected with additional density plantings.

Diane: What if the owner does not have the money?

Roger: Then don't build or find a different lot. Alter the plans.

Adam: Commercial development will require some landscaping and meet density requirements. This is a way of getting trees planted; it is the cost of doing business. One may not want to have to renew their car tags every year, but it is something that must be done if one wants to drive.

Roger: Once you start subdividing, you are in essence, a developer and should be held to the same requirements. Being your own builder, you should be required to follow same rules.

Scott: On the saving of specimens, I think it is a great idea to give some incentives. I like that double credit to be given for specimens saved.

Diane: But that would decrease the density on site.

Adam: I would rather see a nice, old, large specimen tree on a site and given some extra credit than the tree removed and compensated with smaller trees.

Mark: If there is an issue with a specimen tree on site, the developer will be required to show attempts to work around a conserve the specimen tree.

Roger: I agree with that but it needs to be realized that a site plan can only be reworked so many times and it still may require removal.

Adam: The developer/owner needs to have the option to remove and recompense if he so chooses.

Scott: How do we know what amount will be required to pay into tree fund.

Mark: That is determined administratively

Roger: Are all applications for LDP required to have a tree conservation/landscape plan?

Mark: Yes

Roger: What if I am building on less than 5,000 sq. ft?

Scott: you would then have a building permit.

Scott: Is the 30 day turnaround correct? Shouldn't it be 10 days?

Mark: It should not take any longer than 10 days, however, if the economy turns around and we start getting more applications for review and on larger parcels, 10 days may not be enough time.

Adam: I still believe we need to address providing incentives to do the right thing. Ordinances sometimes can make it very difficult to do the right thing, therefore, do the wrong thing. Some people will need that 'brownie' or incentive, some won't. Give some incentives for extras measures taken to conserve trees, i.e. retaining walls, tree wells, tree prescription and maintenance. Do you, Roger, have a source through the Homebuilders Association, for ideas for incentives for homebuilders?

Adam: I recommend we stop here for tonight.

Next meeting August 31st at 5:00

Meeting adjourned 6:56