

**PARKS AND SHADE TREE COMMISSION
CITY OF REHOBOTH BEACH**

January 27, 2014

The Parks and Shade Tree Commission Meeting was called to order at 2:00 p.m. by Chair Priscilla Smith on Monday, January 27, 2014 in the Commissioners Room in City Hall, 229 Rehoboth Avenue, Rehoboth Beach, DE.

ROLL CALL

Present: Ms. Marcia Maldeis
Chair Priscilla Smith
Ms. Jane Wyatt
Ms. Anne Hubbard

Absent: Mr. Ned Kesmodel

Also present: City Solicitor Glenn Mandalas
Building Inspector Terri Sullivan

Also Absent: Walter Onizuk, City Arborist

A quorum was present.

Ms. Maldeis noted that her husband, Mr. Stan Mills, sits on the Board of Commissioners, and she was not influenced by that in making her decisions.

CORRESPONDENCE

There was none.

APPROVAL OF MINUTES

Minutes of the November 25, 2013 Parks and Shade Tree Commission Meetings were distributed prior to the meeting.

Ms. Jane Wyatt made a motion, seconded by Ms. Marcia Maldeis, to approve the minutes of the November 25, 2013 Parks and Shade Tree Commission as written. Motion carried unanimously.

OLD BUSINESS

There was none.

NEW BUSINESS

The purpose of this meeting was to conduct administrative appeal hearings pursuant to the Comprehensive Tree Ordinance (Chapter 253 of the Municipal Code of the City of Rehoboth Beach).

Appeal Hearing 1213-06 was requested by Eric W. Wahl, RLA of Element Design Group on behalf of Brooks Honeycutt, owner of the property located at 106 Laurel Street pursuant to Section 253-36 of the Municipal Code of the City of Rehoboth Beach, pertaining to determination of a mitigation fee in lieu and/or a reduction of mitigation based on the approved landscape plan.

Building Inspector Terri Sullivan read her report which had been distributed with exhibits prior to the meeting. (Copies attached.) On January 8, 2014, a tree removal permit was issued to remove three Red Oak trees and one American holly tree that are in the footprint of the new home. The caliper of the trees equals 156 inches. Total mitigation for this proper is (52) three inch caliper trees. The plan submitted at the time state there would be (7) three inch caliper trees on site and (45) three inch caliper trees to be planted offsite. On October 25, 2013, two additional trees were permitted to be removed from the site that were in poor health due to construction damage. A requirement for an additional tree to be planted in the front yard was stipulated at that time. The Applicant has since planted five evergreen trees, four ornamental trees and four shade trees. There were seven trees totaling 41 inches caliper remaining on site. This totals 80 inches caliper that the Applicant was able to plant or retain on site, leaving 76 inches to be planted on City property or the Commission to authorize a fee in lieu of mitigation.

Mr. Eric W. Wahl, RLA of Element Design Group noted that Eric Wahl represented the owners of the property. Trees on updated plan are correct. Fifty-two shade trees are required as mitigation for this site. With

existing caliper inches onsite which has been preserved and with additional caliper inches proposed, 76 inches are required which is the equivalent to (26) 3inch caliper trees. Mr. Wahl requested that the Commission show leniency on the trees being mitigated. He presented an exhibit to show the mature canopy size of the trees which are planted. The total canopy for these trees is 7,400 square feet. When the new trees mature, there will be more canopy area than what was taken away. As a landscape architect, he plans for the future which needs to be taken into account here. In designing this yard, Mr. Wahl took into account the stratification (layers) of the woodland setting which is nature to Delaware. He not only used shade trees, but also used understory trees and evergreen trees to be planted. A mix of these trees will make for a better environment and habitat. The flowering trees and shrubs will help with the ecosystem services of bees, wasps, etc. Mr. Wahl submitted an updated survey at the meeting.

City Solicitor Glenn Mandalas noticed in the documents submitted for this case that with the revision calculations for the mitigation there is an agreement right between the City and the Applicant that 76 inches is the mitigation caliper.

There was no correspondence.

Public Comment:

1. Greg Gause, part-time employee of the City, complained that the wording of the tree ordinance needs to be changed from replacing caliper per caliper to tree caliper at maturity to equal what is cut down. There is no room in the City for (25) additional three inch caliper trees.

Chair Smith closed the public portion of the hearing and called for discussion among the members of the Parks and Shade Tree Commission.

Mandalas – agreement 76 inches vs. 60 inches the amount of caliper required. Dollar amount. Reduction in the amount of litigation based on the amount of caliper.

Ms. Sullivan said that when the City trees were planted two years ago, the fee was \$360.00 per three inch caliper tree. This fee included planting and maintenance for one year. Twenty-six tree would equate to \$9,360.00.

Mr. Wahl noted that the Applicant has volunteered to pay \$500.00 to the mitigation fund.

Ms. Maldeis made a motion to accept the \$500.00. Motion failed for a lack of a second.

The Commission continued deliberated as to a fair mitigation fee. Mandalas – deferred to Planning Commission.

Ms. Maldeis made a motion, seconded by Ms. Wyatt, that the mitigation fee is \$500.00. (Maldeis – aye, because they are planting enough trees to replace the canopy even more than what it was; and they have a right to building a house. Smith – aye, because Ms. Maldeis explained the reasons very well. Wyatt – aye, because Ms. Maldeis has given the Parks & Shade Tree Commission good reasons. Hubbard – aye, for the reasons stated by Ms. Maldeis.) Motion carried unanimously.

OTHER BUSINESS

There was none.

There being no further business Chair Smith adjourned the meeting at 2:44 p.m.

Respectfully submitted,

(Ann M. Womack, CMC, City Secretary)

**MINUTES APPROVED ON
APRIL 28, 2014**

(Priscilla Smith, Chair)