

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

**April 28, 2014**

The Parks and Shade Tree Commission Meeting was called to order at 2:00 p.m. by Chair Priscilla Smith on Monday, April 28, 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 would not be influenced by that in making her decisions.

**CORRESPONDENCE**

There was none.

**APPROVAL OF MINUTES**

Minutes of the January 27, 2014 Parks and Shade Tree Commission Meetings were distributed prior to the meeting.

Ms. Marcia Maldeis made a motion, seconded by Ms. Jane Wyatt, to approve the minutes of the January 27, 2014 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 0314-01 was requested by Steven Daddona of Complete Tree Care Inc. on behalf of Frank Colonello, owner of the property located at 40 Maryland Avenue pursuant to Section 253-36 of the Municipal Code of the City of Rehoboth Beach, pertaining to denial of a request to remove one (1) tree.

City Solicitor Mandalas noted the procedure for the hearing.

Building Inspector Terri Sullivan read her report which had been distributed with exhibits prior to the meeting. (Copies attached.) On September 20, 2013, a tree removal permit was issued to remove two trees that were damaging the foundation and possibly sewer lines. The initial request was to remove three trees. The third tree was found to be healthy and not causing any damage to the property. The Appellant has requested this hearing stating that the third tree also causes considerable damage to the homeowner's property. With regard to the tree plan, the only thing close to the tree in question is the fence.

Mr. Steven Daddona of Complete Tree Care Inc., representative of Mr. Frank Colonello, represented the owner of the property who was in attendance at the meeting. The wild black cherry tree produces berries which were damaging the homeowner's umbrellas, lawn furniture, deck, etc. Mr. Daddona submitted photographs which showed the tree in question and the concrete walkway which leads to the foundation of the building behind the property which is owned by Camp Rehoboth. The root structure of that tree is currently causing damage. The potential for the roots to cause further damage to the property of Camp Rehoboth is great. The

trunk of the tree has been damaging the fence which was in place. It is the desire of the property owner to install a new fence along the rear lot line which the tree would make it difficult to do. The property owner has demonstrated their willingness to put in canopy coverage that would exceed the coverage which the tree in question provides.

Correspondence:

1. Letter dated April 28, 2014 from Steve Elkins, 37 Baltimore Avenue – in support of removing the tree in question.

There was no public comment.

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

Ms. Wyatt made a motion, seconded by Ms. Ann Hubbard, to allow Mr. Colonello to remove the tree because it is located where it creates a material safety or health hazard or nuisance with respect to existing or proposed structures or vehicles or pedestrian routes and such hazard or nuisance is not innate to or commonly associated with the existence of tree in general. (Maldeis – aye, because the tree is a hazard and a nuisance with respect to dwellings. Smith – aye, for the same reason stated. She did not think wild cherry trees should be allowed, and when City Arborist Walter Onizuk sees them, he should agree that should come down. Wyatt – aye. The trees themselves are a hazard with the berries they drop and stain everything. Hubbard – aye, for the reasons of the tree hanging over the roof of the neighbor, breaking up the sidewalk, and not allowing the fence to go around where they are putting it.) Motion carried unanimously.

#### **OTHER BUSINESS**

There was none.

There being no further business Chair Smith adjourned the meeting at 2:17 p.m.

**Respectfully submitted,**

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**(Ann M. Womack, City Secretary)**

**MINUTES APPROVED ON  
JUNE 23, 2014**

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**(Priscilla Smith, Chair)**