

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

**January 25, 2016**

The Parks and Shade Tree Commission Meeting was called to order at 2:07 p.m. by Chair Priscilla Smith on Monday, January 25, 2016 on the second floor of the Rehoboth Beach Volunteer Fire Company, 219 Rehoboth Avenue, Rehoboth Beach, DE.

**ROLL CALL**

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

Absent: Mr. Ned Kesmodel

Also present: Building Inspector Damalier Molina (left meeting at 2:38 p.m.)  
City Solicitor Glenn Mandalas

A quorum was present.

Ms. Marcia 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 November 23, 2015 and December 14, 2015 Parks & Shade Tree Commission Meetings were distributed prior to the meeting.

Ms. Marcia Maldeis made a motion, seconded by Ms. Jane Wyatt, to approve the November 23, 2015 Parks & Shade Tree Commission Meeting minutes as written. Motion carried unanimously.

Ms. Anne Hubbard made a motion, seconded by Ms. Jane Wyatt, to approve the December 14, 2015 Parks & Shade Tree Commission Meeting minutes as written. (Maldeis – abstained, Smith – aye, Wyatt – aye, Hubbard – aye.) Motion carried.

**OLD BUSINESS**

There was none.

**NEW BUSINESS**

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

Appeal Hearing No. 1215-06 was requested by Eric Wahl of Element Design Group on behalf of Lot 2 Rehoboth Avenue LLC, owner of the property located at 2 Oak Avenue pursuant to Section 253-36 of the Municipal Code of the City of Rehoboth Beach, and pertains to denial of a request to remove four (4) trees and a determination of a mitigation fee in lieu of and/or a reduction of mitigation based on the survey.

City Solicitor Mandalas noted the procedure for the hearing.

Building Inspector Damalier Molina read his report which had been distributed with exhibits prior to the meeting. (Copies attached.) Assistant Building Inspector Steve Kordek disapproved the tree permit application on December 18, 2015 which had been submitted by Miken Builder for failure to provide a comprehensive tree mitigation plan to replace trees removed. A tree planting plan is required to replace the loss of 112 inches of trees or pay an approved fee in lieu of mitigation. On December 8, 2015, the applicant proposed to plant 14 trees at three inches caliper and to pay an approved fee in lieu of mitigation for 70 inches or 23.33 trees from the approved site plan.

Mr. Eric Wahl of Element Design Group represented 2 Rehoboth Avenue LLC, owner of the property and

provided testimony in support of the appeal. Eight trees would be required for tree density and partial mitigation. The balance of twenty-five trees would be required for mitigation either elsewhere in the City or have a fee paid in lieu of mitigation.

There was no correspondence and 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. Jane Wyatt made a motion, seconded by Ms. Anne Hubbard, to allow the removal of the trees based upon the exceptions provided in the Code. (Maldeis – no, Smith – aye, Wyatt – aye, Hubbard – aye.) Motion carried.

Ms. Wyatt made a motion, seconded by Ms. Hubbard, to approve the mitigation of 25 trees by provided a fee in lieu of mitigation of \$8,750.00. (Maldeis – aye, Smith – aye, Wyatt – aye, Hubbard – aye.) Motion carried unanimously.

#### **OTHER BUSINESS**

There was none.

There being no further business Chair Smith adjourned the meeting at 2:50 p.m.

**Respectfully submitted,**

---

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

**MINUTES APPROVED ON  
MARCH 28, 2016**

---

**(Priscilla Smith, Chair)**