

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

August 24, 2015

The Parks and Shade Tree Commission Meeting was called to order at 2:05 p.m. by Chair Priscilla Smith on Monday, August 24, 2015 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
Mr. Ned Kesmodel
Ms. Anne Hubbard

Also present: City Solicitor Glenn Mandalas
Building Inspector Damalier Molina
City Arborist Stacy Parsons

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 November 24, 2014, April 27, 2015 and May 18, 2015 Parks & Shade Tree Commission Meetings were distributed prior to the meeting.

Ms. Marcia Maldeis made a motion, seconded by Mr. Ned Kesmodel, to approve the November 24, 2014, April 27, 2015 and May 18, 2015 Parks & Shade Tree Commission Meeting minutes as written. Motion carried unanimously.

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. 0715-03 was requested by Emma Miller, owner of the property located at 319 Munson Street pursuant to Section 253-36 of the Municipal Code of the City of Rehoboth Beach, and pertains to 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 the report of the prior building inspector which had been distributed with exhibits prior to the meeting. (Copies attached.) On April 20, 2015, a tree removal permit was issued to remove a 32 inch caliper maple tree from the front yard so that the house could be moved. The tree which was removed was the only tree on the lot. The total mitigation for this property is ten 3 inch caliper trees. The plan submitted stated that 10 trees would be planted onsite. The owner wishes to only have to plant the minimum three 3 inch caliper trees on her lot and not mitigate for the 32 inches that were removed. The tree permit was approved based on Section 253-30(A)(2)(a)(1) of the Code.

City Arborist Stacy Parsons noted that the required amount of trees cannot be planted on the property because there is no room on the property for the trees. There are two options which can occur: 1. Plant trees on City property. 2. Appeal for a fee in lieu of mitigation. She recommended that three trees be planted on the property of which at least two should be native shade trees and one an ornamental tree. Ms. Parsons also recommended the fee in lieu of mitigation for the seven additional trees.

Ms. Emma Miller, owner of the property, said that she was not aware of the total amount of trees that needed to be planted on the property.

Public Comment.

1. Mr. John Neale, 221 Norfolk Street, noted that the agenda was different from the public notice.
2. Ms. Maggie Neale, 221 Norfolk Street, noted that the process is somewhat disturbing because the agenda and public notice did not match.

The Applicant and the Parks & Shade Tree Commission agreed that the appeal hearing could move forward.

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

Mr. Ned Kesmodel made a motion, seconded by Ms. Marcia Maldeis, that the owner shall plant three trees on the property and pay the mitigation fee in the amount of \$1,500.00 to the City of Rehoboth Beach. (Maldeis – aye, Smith – aye, Kesmodel – aye, Wyatt – aye, Hubbard – aye.) Motion carried unanimously.

OTHER BUSINESS

There was none.

There being no further business Chair Smith adjourned the meeting at 2:47 p.m.

Respectfully submitted,

(Ann M. Womack, City Secretary)

**MINUTES APPROVED ON
NOVEMBER 23, 2015**

(Priscilla Smith, Chair)