

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

**July 28, 2014**

The Parks and Shade Tree Commission Meeting was called to order at 2:03 p.m. by Chair Priscilla Smith on Monday, July 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  
Mr. Ned Kesmodel

Also present: City Solicitor Glenn Mandalas  
Building Inspector Terri Sullivan

Absent: Walter Onizuk, City Arborist

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 June 23, 2014 Parks and Shade Tree Commission Meeting were distributed prior to the meeting.

Ms. Maldeis made a motion, seconded by Ms. Jane Wyatt, to approve the minutes of the June 23, 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 0614-03 was requested by Bruce Geyer, owner of the property located at 87 Columbia Avenue 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 procedures for the hearing.

Building Inspector Terri Sullivan read her report which had been distributed prior to the meeting. (Copies attached.) On January 2, 2014 a tree removal permit was issued to remove 10 trees that were in the footprint of a new home. The mitigation required equals 131 inches based on the caliper of trees removed. The total mitigation for this property is 44 three inch caliper trees. Mr. Geyer initialed the permit where it stated that mitigation would be required for the loss of 131 inches caliper of trees. The applicant has since completed the new home and is requesting relief from the mitigation requirement.

Mr. Bob Clendaniel, a representative of Mr. Geyer, noted that new trees had not been planted. He and Mr. Geyer were looking for guidance as to what the mitigation would be. A tree had been at the rear of the property, and two large oak trees had been saved. Mr. Clendaniel thought that there would be room to plant trees along Third Street.

Mr. Geyer noted that it would be a tight fit to plant trees in the area of the pool.

Correspondence:

1. Email received July 24, 2014 from Timothy Spies, 53 Columbia Avenue. The appellant has no standing to appeal and should be estopped.

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.

Mr. Kesmodel made a motion, seconded by Ms. Wyatt that the mitigation should be \$5,000.00 for the lot or \$365.00 per tree. (Maldeis – no. Smith – aye. Wyatt – aye. Kesmodel – aye. Hubbard – aye.) Motion carried.

Appeal Hearing No. 0614-04 has been requested by Bruce Geyer, owner of the property located at 89 Columbia Avenue 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.

Building Inspector Terri Sullivan read her report which had been distributed prior to the meeting. (Copies attached.) On December 23, 2013 a tree removal permit was issued to remove nine trees that were in the footprint of a new home. The mitigation required equals 112 inches based on the caliper of trees removed. The total mitigation for this property is 38 three inches caliper trees. Mr. Geyer initialed the permit where it stated that mitigation would be required for the loss of 112 inches caliper of trees. The applicant has since completed the new home and is requesting relief from the mitigation requirement.

Mr. Geyer thought that the mitigation should be a proportionate prorated amount.

Mr. Clendaniel noted that there was room at the northwest corner of the lot to plant trees.

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.

Mr. Kesmodel made a motion, seconded by Ms. Wyatt that the mitigation should be \$5,000.00. (Maldeis – no. Smith – aye. Wyatt – aye. Kesmodel – aye. Hubbard – aye.) Motion carried.

#### OTHER BUSINESS

There was none.

There being no further business, Chair Smith adjourned the meeting at 2:35 p.m.

**Respectfully submitted,**

---

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

**MINUTES APPROVED ON  
OCTOBER 27, 2014**

---

**(Priscilla Smith, Chair)**