

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

April 22, 2013

The Parks and Shade Tree Commission Meeting was called to order at 2:04 p.m. by Chair Priscilla Smith on Monday, April 22, 2013 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
City Arborist Walter Onizuk

A quorum was present.

CORRESPONDENCE

There was none.

APPROVAL OF MINUTES

Minutes of the November 26, 2012 Parks and Shade Tree Commission Meetings were distributed prior to the meeting.

Ms. Jane Wyatt made a motion, seconded by Ms. Priscilla Smith, to approve the minutes of the November 26, 2012 Parks and Shade Tree Commission 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 administrative appeal hearings pursuant to the Comprehensive Tree Ordinance (Chapter 253 of the Municipal Code of the City of Rehoboth Beach).

This appeal hearing has been requested by Anthony R. and Julie H. DeVol, owners of the property located at 133 Henlopen Avenue pursuant to Section 253-36 of the Municipal Code of the City of Rehoboth Beach, pertaining to the denial of a request to remove eight trees.

Building Inspector Terri Sullivan read her report which had been distributed with exhibits prior to the meeting. (Copy attached.) Mr. Bob Hughes of Hughes Wood Service applied for a permit to remove 12 Leyland Cypress on the east side of the property. The tree permit was denied based on Section 253-30(A)(2)(a). Mr. Walter Onizuk, City Arborist, looked at the trees in November 2012 and determined them to be healthy. The trees did not meet the criteria for permitting removal. On February 26, 2013, Anthony & Julie DeVol filed an application for an appeal with the Parks & Shade Tree Commission.

Mr. John Dorman of Dorman's Landscaping provided testimony in support of the appeal. The main reason for removal of the trees is because they are encroaching into the pool area. They are located approximately 25 feet from the property line into the yard. Mr. Dorman thought that the owners will replace the trees with approximately 16 Arborvitae. He presented the advantages/disadvantages of the Leyland Cypress vs. Arborvitae. Mr. Dorman agreed that the Leyland Cypress trees are healthy.

City Solicitor Glenn Mandalas read the seven categories of reasons for removal of trees from Section 253-30(A)(2) of the Code.

Mr. Dorman thought that No. 4 pertained to this appeal. The tree is located where it creates or will create 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 trees in general (for example, lightning, wet leaves on the ground during rainstorms). Because of the way the pool is located on the property, the Leyland Cypress trees are approximately two feet onto the paver area which is approximately six feet wide.

Mr. Walter Onizuk noted that if the trees are removed, there is more than enough existing caliper with the remaining trees on the property.

There was no public comment.

Chair Priscilla Smith closed the public portion of the hearing.

Ms. Wyatt made a motion, seconded by Ms. Anne Hubbard, to permit the removal of 12 Leyland Cypress trees so long as they are replaced with trees as identified in the Simpler survey. (Maldeis – aye. She agreed with No. 4 of Section 253-30 as long as the owners replace all the trees taken down with the 13 Arborvitae. Smith – aye. She concurred with Ms. Maldeis' reason. Wyatt – aye, as long as the owners plant 13 trees put back. No. 4 of the tree ordinance is what the Parks & Shade Tree Commission is using for allowing this to happen. Leyland Cypress trees are not appropriate trees to have been planted there because they will get too big for the area. Hubbard – aye. She concurred with Ms. Wyatt's reason.) Motion carried unanimously.

The application has been approved, and the tree removal permit will be ready tomorrow.

NEW BUSINESS

Consideration of date for the Parks & Shade Tree Commission Meeting to be held in May 2013.

The consensus of the Commission was to cancel the meeting which was to be held in May, and all applications, if submitted in a timely fashion, will be held for the June 24, 2013 meeting.

There being no further business, Chair Priscilla Smith adjourned the meeting at 2:28 p.m.

Respectfully submitted,

(Ann M. Womack, CMC, City Secretary)

**MINUTES APPROVED ON
JUNE 24, 2013**

(Priscilla Smith, Chair)