

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

June 23, 2014

The Parks and Shade Tree Commission Meeting was called to order at 2:05 p.m. by Chair Priscilla Smith on Monday, June 23, 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. 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 April 28, 2014 Parks and Shade Tree Commission Meeting were distributed prior to the meeting.

Ms. Marcia Maldeis made a motion, seconded by Ms. Jane Wyatt, to approve the minutes of the April 28, 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 0514-02 was requested by Nate Graulich of Graulich Builders on behalf of Anthony & Aileen Unger, owners of the property located at 127 Columbia Avenue pursuant to Section 253-36 of the Municipal Code of the City of Rehoboth Beach, pertaining to decreasing the amount of trees required to be planted.

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 27, 2013, a tree removal permit was issued to remove 18 trees that were located in the footprint of a new home. There was 86" tree caliper removed that needed mitigation. The plan showed that there would be 61" caliper preserved on-site. The total mitigation for this property is 25 inches caliper or nine 3" caliper trees. The plan submitted at the time the permit was issued showed that the mitigation was included. The tree permit was approved based on Section 253-30(A)(2)(a)(1) of the Code. The mitigation requirement is based on Section 253-35(E). In Section 253-35(F) where a property must comply with the tree density requirements or other requirements for tree replacement and the property is shown clearly not suitable for on-site mitigation, the property owner or permit applicant shall, with City approval, provide for use of a site on City public lands providing that the applicant furnishes all necessary services incidental to such mitigation on public property including but not limited to funding of tree maintenance and labor.

Ms. Aileen Unger provided testimony in support of decreasing the amount of trees required to be planted. The Ungers will comply with what is required to be done. It is hard to have the foresight for what will work on

the property until the house is built and completed. The Ungers are interested in keeping the beauty of the Pines and not changing the feel of that area. They want to landscape and put back trees that will thrive and flourish on the property, but the number of trees required to be planted will not thrive. The Ungers would like to plant a privacy screen of trees such as hollies or spruces along the left side of the property, and use the rest of the property to plant the trees required for mitigation.

Mr. Nate Graulich of Graulich Builders said that what was originally proposed to be planted were nine 3” caliper red oaks. He and the Ungers are asking to plant two pin oaks and five 3” caliper silver maple trees. This would be six inches less of caliper than the 25” that was initially required. This is what the landscape designer has recommended.

Mr. Anthony Unger asked for a reduction in the mitigation of trees by two trees. One deciduous tree would be planted in the front yard. He was interested in a one-time \$500.00 fee to relieve them of planting two trees.

Public Comment:

1. Walter Brittingham, 123 Henlopen Avenue, said that there needs to be some thought about the trees not affecting parking spaces when they are planted for privacy. Ms. Unger replied that the trees would not affect parking spaces.

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

Mr. Unger would like to work with the landscape architect to see if an adequate tree could be planted as a privacy barrier and would meet the mitigation requirements.

Ms. Wyatt made a motion, seconded by Ms. Maldeis, to permit the Ungers to plant seven trees, each of three inch caliper, and pay a fee in lieu of mitigation of two additional trees in the amount of \$730.00; however, if the Ungers are able to arrive at a plan that meets the original 25” caliper requirement and it is brought to the Building Inspector for approval and to prove that they do not need to pay the \$730.00 mitigation by October 1, 2014. (Maldeis – aye, Smith – aye, Wyatt – aye, Hubbard – aye, Kesmodel – aye.)

The Commission acknowledged that they have reviewed the property and find that the amount of area to plant trees would not accommodate the amount of caliper required under the mitigation rules of Code; and therefore, the Commission finds it reasonable to accept seven trees on-site with a mitigation for another two trees.

Motion carried unanimously.

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
JULY 28, 2014**

(Priscilla Smith, Chair)