

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

May 18, 2015

The Parks and Shade Tree Commission Meeting was called to order at 2:07 p.m. by Chair Priscilla Smith on Monday, May 18, 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

Absent: Ms. Anne Hubbard

Also present: City Solicitor Glenn Mandalas
Building Inspector Terri Sullivan
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

No Minutes were available for approval.

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. 0315-01 was requested by Justin Bartels of Bella Terra Landscapes on behalf of Nancy Herman, owner of the property located at 153 Columbia Avenue pursuant to Section 253-36 of the Municipal Code of the City of Rehoboth Beach, and pertains to the denial of a request to remove one (1) tree.

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 April 6, 2015, a tree removal permit was issued to remove three trees. The fourth tree was denied because the City Arborist determined that the tree was healthy and not in the power lines. The contractor has appealed this decision stating that (1) the tree is located where it creates or will create a material safety or health hazard or nuisance and (2) the tree is located where it interferes with the installation, delivery or maintenance of proposed or existing utility services to the lot. The City Arborist did not find that the tree met any of the (7) requirements allowing a tree to be removed. The tree may be trimmed as necessary so the power lines are not an issue. The tree is back from the power lines and very few limbs are growing anywhere near them.

Mr. Justin Bartels provided testimony on behalf of the owner of the property and in support of the appeal. The Norway Maple is growing into the power lines and is in a state of decline because the power company trimmed it improperly. Currently, there are branches leaning on the power lines. Three trees will be added to the front yard.

Mr. Steve Dadonna of Complete Tree Care verified the testimony of Mr. Justin Bartels. Norway Maple trees are not indigenous to the State of Delaware, and they are considered an invasive tree in the United States. In the Delaware tree book, it states that of the European species cultivated in this country, the Norway Maple is

probably the most popular. It is satisfactory as a lawn tree, but has too low a head for street or highway use. The tree in question is on the street. The trunk of the tree is located three feet from the first phase of a tri-phase power line system. The power company has trimmed the tree, and it is in stress. The portion of the tree growing towards the property owner's home is already in decline. The second reason for removing this particular tree is the extensive amount of surface roots because they are compromising the entire front yard area of the property. There are (19) remaining ornamental and pine trees on the property as well as one of the largest estate oak trees in the City.

Commissioner Toni Sharp wanted to know the difference between a healthy tree and a tree that is under stress. She asked Ms. Sullivan and Mr. Onizuk what goes into the defining the tree as being healthy.

Mr. Dadonna said that in the wintertime, it would have been more difficult to properly assess. Now that the tree is budded out, it can be seen what damage has been done whether it is from the tree work or from the surface roots being where cars are parked. If the tree is removed, the surface roots would also be removed.

Ms. Sullivan noted that there is a definition in the Code for a healthy tree based upon a 15 year life expectancy.

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

Ms. Ned Kesmodel made a motion, seconded by Ms. Jane Wyatt, that the owner should be allowed to take down the tree for the reason that it is within an existing or proposed utility company right-of-way.

The Commission members agreed that in taking down the tree, it will meet the minimum tree requirements, and three trees will be planted.

(Marcia – aye, Smith – aye, Kesmodel – aye, Wyatt – aye.) Motion carried unanimously.

OTHER BUSINESS

There was none.

There being no further business Chair Smith adjourned the meeting at 2:25 p.m.

Respectfully submitted,

(Ann M. Womack, City Secretary)

**MINUTES APPROVED ON
AUGUST 24, 2015**

(Priscilla Smith, Chair)