

## **MINUTES OF FEBRUARY 10, 2011, TREE PROTECTION SUBCOMMITTEE MEETING**

Present:

Adam Kruezer

Bob Marcott

Lee Neary

The subcommittee reviewed staff's proposed changes to the private tree ordinance and its own suggested changes to the ordinance. The subcommittee recommends that changes be made to the private tree ordinance as proposed by staff, and that additional tree protection measures be adopted.

### **SUGGESTIONS REGARDING STAFF'S PROPOSAL**

The subcommittee believes the changes proposed by it and staff regarding the protection of trees on private property that is adjacent to development activities are an important addition to the Village code. The subcommittee agrees with the changes proposed by staff to the private tree ordinance but requests staff to consider the following modifications and issues.

1. The current proposal requires protective measures for trees located on a neighbor's property within fifteen feet of the lot line of the lot for which development activities are proposed. The subcommittee recommends that the protective measures be required for trees with a 4 (four) inch DBH or greater rather than for trees with a 10 (ten) inch DBH or greater. The reason for the suggestion is that trees on neighbor's property need greater protection. Many valuable ornamental trees are smaller than a 10 (ten) inch DBH. Many other trees of less than 10 (ten) inch DBH are also costly to purchase and plant. For example, a 4 inch autumn purple white ash tree costs at least \$900 at a local nursery, a 3 inch Norway maple costs at least \$595, and a 3.5 inch sugar maple costs at least \$750.

Neighbor's are entitled to protection of their investment in trees. In addition, the protective measures required for small trees are generally less extensive than that required for larger trees; therefore, the burden placed on the owner who is developing their property is less onerous for smaller trees.

2. The current proposal requires posting of the tree preservation plan at the site and delivery of a copy of it to each neighbor "prior to the issuance of a building permit." The subcommittee believes that neighbors should have an opportunity to review the tree preservation measures that are required for trees on their property prior to the issuance of the permit. The subcommittee suggests that no permit be issued until fourteen days after the tree preservation plan has been posted and delivered to the neighbors, and that the notice to neighbors describe the timing of approval for the permit and their opportunity to intervene in the process.

3. The current proposal provides that no tree preservation plan is required for replacement of a garage, driveways and other structures with the same footprint as the structure

to be replaced. The subcommittee is concerned that such developmental activities might involve replacement of footings and foundations, and heavy construction activity, which could cause significant root or other damage to trees located on the neighbor's property within fifteen feet of the lot line. The subcommittee believes that tree preservation plans should be required for trees on neighboring properties in such circumstances. It requests that staff consider expanding the definition of "development" as it applies to the requirement for tree preservation plans for trees on neighbor's property.

### **TREE PROTECTION SUBCOMMITTEE PRIVATE TREE ORDINANCE PROPOSAL**

The subcommittee on Tree Protection recommends that the Environmental Commission adopt the following proposed findings and recommendations in addition to staff's suggestions for amendments to the private tree ordinance:

The Environmental Commission agrees on the need to replant and replenish the community forest on an on-going basis and is concerned that the Village lacks funds to promote this goal. The Environmental Commission finds that trees significantly enhance the value of private property; significantly decrease energy consumption and energy costs by providing shading, cooling and a wind break; reduce flooding by providing stormwater detention; reduce the run-off of pesticides, herbicides and other pollutants to our rivers and streams; provide a sound barrier; enhance the character of the Village; and provide other economic, social and intangible benefits to our community.

The Environmental Commission proposes that the Village's private tree ordinance provide as follows:

1. Require a permit and payment of a fee to remove a non-invasive tree (to be described on a list developed by the Village Forester) with a DBH of 4 inches or greater subject to the exceptions listed in paragraph 2.
2. A permit is required, but no fee is required, to remove a dead, diseased or invasive tree (to be identified per paragraph 1 above) with a DBH of 4 inches or greater, or one that poses a threat to life or structures or is detrimental to adjacent non-invasive trees as is determined by the Village.
3. Fines be established for violations of the ordinance described above.
4. All fees collected for tree removal permits and fines shall be deposited in a separate fund to be exclusively used for protection of public and private trees, planting of trees on public and private property, and to otherwise enhance the Village tree canopy.