



**TOWN OF BEAUX ARTS VILLAGE**  
**PLANNING COMMISSION**  
**MINUTES**

November 20, 2007  
Scott

**Present:** Acting Chairperson Karen Scott, Commissioners Dennis Casey, Jake Donoghue, Scott Harpster, and Gordon Roberts.

**Excused:** None

**Staff:** Deputy Town Clerk Angela Kulp, Town Planner Mona Green.

**Guests:** Town Council Member and Tree Committee Chair Carol Clemett, Tree Committee Member John Rose, Residents Sheila Justus, Sylvia Hobbs, Mike Hillberg, Cindy Davis-Crerand, Ray Crerand, Gerri Armbruster, Paula Dix, Jim Finnell, Julie Finnell, Henry Heckendorn, Betty Heckendorn, Forrest Kulp, Gail D'Alessio, Walter Scott and Julia Morse.

Planning Commissioner Donoghue called the meeting to order at 7:33pm.

**Minutes:** Commissioner Roberts motioned to approve the October 18, 2007 minutes as written. Commissioner Casey seconded. Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

The Public Hearing was opened at 7:38pm.

**New Business: Public Hearing for the Town Tree Committee:**

Copies of the proposed Ordinance were made available to those in attendance by Deputy Clerk Kulp. Tree Committee Chair Clemett explained the committee was motivated to preserve the character of the village, and felt that preservation needed to happen by protecting trees. She explained how and why the committee, which was comprised of five village residents, worked with Planner Green over the better part of the last year to come up with guidelines, a survey of trees, tree species involved, and key elements to consider in writing a new ordinance to govern trees on private property within the village. Tree Committee Chair Clemett shared the committee's hope that the new ordinance will help neighbors realize the impact their (private property) trees have on the community before taking any action. She continued there had been instances recently where trees were cut without that regard to the surrounding community which partially prompted the committee's formation and the draft of the ordinance.

Tree Committee Rose tried to further paint the big picture of why this ordinance was drafted by explaining trees are such an emotional issue, that it's important for all of us to talk to each other about it. He commented there are limits of budget and enforcements

of what the town can do on private property, so this proposal is very different than what other towns our size are doing. He explained the Tree Committee wanted to do something good, and used four main focus points in developing the ordinance:

1. Recognize the town's interest in large trees on private property.
2. Gives a process for Significant Tree removal that encourages dialogue between neighbors by advisement in advance.
3. Gives a process for limiting removals of Landmark trees in order to protect them.
4. Allows for financial penalties for not following processes given, which encourages neighbors to use the proposed procedures.

Tree Committee Chair Clemett presented the proposed ordinance one section at a time. She explained the process a neighbor would follow under the new ordinance to remove a tree. That process, she continued, is different for a significant tree than for a landmark tree as she explained both procedures. Ms. Clemett explained within the definitions stated, a significant tree is considered one foot to less than three feet in diameter at a height of four and a half feet off the ground. She explained a landmark tree is three feet or more in diameter measured at the same height. She stated the committee counted approximately 29 landmark trees on 24 residential lots in the village. Ms. Clemett and Mr. Rose fielded questions as they went, taking notes for proposed suggestions and re-explaining details and the committee's justification along the way. Town Planner Green provided clarification through the process as a zoning expert. The concerns and questions were numerous; the public raised the following issues repeatedly amidst much debate:

- Do we have a problem? Why not education first and not even have an ordinance?
- Support for trees, but not for the ordinance as written - either for private property rights issues, or for mitigation restrictions.
- Liability concerns and how the town will address them.
- Concern over cost, time and paperwork for the town and neighbors to enforce.
- Concern over whether the enforcements should follow the lot or the homeowner.
- Consider "light" in the "Whereas" section about tree balance.
- In Section 2, confusion over the ISA ratings and which rating to use as our guideline, as well as concerns about book planned for reference known as "Exhibit A", its cost and accessibility.
- Section 2 and 12: Concern over the types of trees protected, and replanted. Many suggested expanding this list, especially for replanting.
- Section 4 & 5: Concern over reasons, allowance and limitations over tree removal, especially over landmark trees, and building permits involved.
- Section 6: correction referencing section 13, and suggestion to remove line H.
- Section 7: Concern that a 60 day notification for removal of significant tree is too long- the public agreed it must be much shorter and suggested it be the same as other notification requirements, which is 14 days.
- Section 10 & 11: Suggestion that Hazardous trees and Emergency trees be exempt from the permit and fee process as the homeowner did not choose the situation.
- Section 12: Mitigation- concern, confusion and frustration over quantity of trees required for lot size, types of trees allowed, and inquiry if location of nearby trees and structures for managing canopy and light could be considered.

- Section 15: Clarification and request that the triple damages section should involve monetary charges, not additional mitigation.

Residents Jim and Julie Finnell were especially worried about notifications, liability issues, and mitigation requirements. Resident Sylvia Hobbs wondered if education of trees to new owners could be addressed before closing a real estate deal. Resident Gail D'Alessio, Board of Adjustment member, shared that although the trees are valuable; she hoped the sense of community was more valuable and stressed education and dialogue. Resident Henry Heckendorn raised concerns about cost. Resident Walter Scott, Town Marshal, was very concerned about the trees divisiveness on our community and wondered if the town could consider a tax for tree easements in consideration for preservation of landmark trees. Resident Sheila Justus, WABA Woodlands Manager, raised concerns about arborists, ISA ratings, and tree species selected as well as mitigation and notification. She and Resident Julia Morse, WABA Trustee-At-Large, had ideas on costs expected based on their experience with the WABA arborists. Ms. Morse suggested we look at the total canopy instead of numbers or tree types, citing a recent example with Lake Forest Park. She also wondered if some of the language was patterned off the eagle requirements, which may be changing in the future. Resident Forrest Kulp, previous WABA Woodlands Committee Chair, urged the committee to look at how buildings interact with trees as some of our homes represent the village character just as much as trees. He also urged the committee to look at how to manage light as light was just as important to growing trees as other requirements listed in the proposed ordinance.

Deputy Clerk Angela Kulp read letters and statements into the record from Residents Jeff and Marji Jochums, Bob and Barbara Welsh, Dan and Doe Solaro, and Bernard van de Kamp, WABA's president. Resident Forrest Kulp, also submitted a letter for the record, he read partially during discussion.

Tree Committee Chair Clemett and Member Rose thanked the public for the input, and promised the issues raised would be revisited as the tree committee revises the language and requirements of the proposed ordinance, along with the anticipated Planning Commission recommendation. They promised they would look especially at the length of notification, and mitigation considerations, which were the two biggest hot topics of debate. The Public Hearing was closed at 10:48 pm.

Commissioner Scott motioned for the Commission to continue the discussion at the December Planning Commission meeting, and plan to make their recommendation at that time. Commissioner Casey seconded. Vote 5 For, 0 Against, 0 Abstain. Motion carried.

***The Planning Commissioners anticipate making their recommendation to the Tree Committee for this proposed ordinance at their next meeting in December.***

**Next Meeting:** Will be held on Monday, December 10, 2007 at 7:30pm at Commissioner Casey's home.

**Adjourn:** Commissioner Scott motioned to adjourn the meeting at 10:55pm. Commissioner Casey seconded. Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

Respectfully submitted,

Angela Kulp, Deputy Town Clerk