



TOWN OF BEAUX ARTS VILLAGE

PLANNING COMMISSION

MINUTES

January 17, 2008
Harpster

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

Excused: None

Staff: Deputy Town Clerk Angela Kulp and Town Planner Mona Green.

Guests: Tree Committee Member Robin Stefan.

Acting Chair Harpster called the meeting to order at 7:34pm.

Minutes: Commissioner Roberts motioned to approve the December 10, 2007 minutes as written. Commissioner Donoghue seconded. Vote: 5 For, 0 Against. Motion carried.

Old Business- Tree Ordinance:

Deputy Clerk Kulp offered copies of the revised proposed Tree Ordinance (Draft #7) to those in attendance. Tree Committee member Stefan outlined the changes to the current draft and discussion ensued with questions from the Commissioners and answers by Ms. Stefan. The committee had modified eight sections, and added three sections since draft #6 based on the feedback from the December Planning Commission meeting. Those changes included:

- Section 2: The definition of tree diameter was added.
- Section 4: Tree removal definitions were modified and expanded for construction.
- Section 6: Tree permit application procedures were modified to include more details.
- Section 9: Mitigation trees were changed back to 8' from 6' as they felt cost and availability of the larger trees were feasible after all. The mitigated trees are now protected in this draft.
- Section 11: Hazardous trees added a clause for a report from a Qualified Professional Arborist to be given, eliminating the notification period on a hazardous tree.
- Section 16: Added a clause on topping and pruning; the Commissioners asked for modification on the wording on this section as topping of hazardous trees does not have the same impact or purpose as topping of healthy trees.

Tree Committee member Stefan stressed the importance of having an ordinance and the message it sends that the village cares about trees, particularly the notification period as it is designed to foster communication between neighbors and education of village values throughout the community.

Commissioner Donoghue asked if the Town trees could be included in this ordinance. He stated a comprehensive plan throughout the village was important to this process, along with any education that can be done simultaneously. Ms. Stefan agreed, but explained in prioritizing the needs on a tight time frame, town trees were put on the back burner and not included here. She added it was doubtful there would be time to add them now and the town's needs should not influence the current focus. Town Planner Green stated based on the different interests of each that it might be more appropriate for the Town trees to have their own ordinance at some point later.

Deputy Clerk Kulp asked if WABA private property would be subject to this ordinance, and Ms. Stefan agreed WABA would need to follow the same rules outlined for permits. The Commissioners pointed out that not all the same situations applied to WABA land, and asked if WABA could be excluded. Town Planner Green suggested the word "residential" could be added at the beginning so the ordinance would affect "private, residential property". This would exclude WABA, as its property is not zoned residential.

Commissioner Donoghue raised concern about the timing of mitigation on construction projects but in the end decided it was not a big enough issue to warrant changing the drafted ordinance. Commissioners Scott and Harpster raised concerns of cost and process in hiring an arborist and filing permits. Ms. Scott stated in the case of a hazardous tree, the tree's fate should be left to the homeowner, not an arborist as one can get many different opinions on the same tree. Town Planner Green reminded that the current Fees Resolution would be modified to incorporate the final permit costs before any Ordinance was voted into law. Commissioner Scott questioned again the possibility of an easement being attached to the deed for landmark trees and Ms. Green explained an easement does not work well with current land use regulations.

Tree Committee member Stefan asked for their current positions on this ordinance from the Commissioners even though they had not yet made a recommendation or had a vote. Commissioner Casey stated he was in support of it and wished it had come years ago with more teeth in it. Commissioner Harpster stated he was on the fence between supporting it and wanting a completely different ordinance altogether. Commissioner Donoghue voiced he was not in favor of any ordinance, but would consider supporting this one because of all the tree committee's work this past year. Commissioner Roberts stated he did not like the ordinance, but he would support it. Commissioner Scott shared she cannot support an ordinance because she does not like adding a level of bureaucracy to the tree removal process. Ms. Scott stated the village is a well-treed community and will probably remain so, despite the actions of a few along the way, without an ordinance.

Next Meeting: The next meeting will include another public hearing, and be held on Wednesday, February 13, 2008 at 7:30pm at Commissioner Roberts home; Commissioner Scott will assist in the moderation of the hearing. The Commissioners noted this date would still give the Council enough time to prepare for a public hearing at their March meeting. The Commissioners asked for the final draft of the ordinance to

be posted to the web this month. Further, they asked Deputy Clerk Kulp to send an email to all residents with a link in the website with the February newsletter in preparation of the upcoming public hearing. Commissioner Donoghue also inquired if the list of landmark trees could be publicized to other owners in the village.

Adjourn: Acting Chair Harpster motioned to adjourn the meeting at 9:36pm. Commissioner Scott seconded. Vote: 5 For, 0 Against. Motion carried.

Respectfully submitted,

Angela Kulp, Deputy Town Clerk