

ARBORETUM COMMITTEE MINUTES

Wednesday, October 18, 2023, 7-9 pm, Penn Place

Attending: committee members -- Sean Conlan, Charles Andrews, Jim Sullivan, Elizabeth Glidden-Boyle, Malcolm Russell-Einhorn; Town Arborist – Phil Normandy; Council Liaison – Gerilee Bennett; Resident Chris Keller

Executive Summary: Pruning and removals around town are nearly complete and the Fall plantings are about to go in. The majority of the meeting was a discussion of tree protection during construction and demolition projects (including driveways and parking). The committee would like to clarify the town’s tree protection rules and regulations as well as come up with enforcement mechanisms when builders damage town trees. We are focusing on adopting existing tree protection language for the town to provide as part of permitting. The committee is still discussing enforcement. It may also be appropriate to update the town ordinances regarding tree protection. Next meeting November 15 at Town Hall.

Topic	Action Item
September minutes approval. Approved, unanimous.	Sean will send out October minutes
No Resident issues, but Phil says that the office has gotten a number of requests to check tree health or pruning from residents.	
Updates from the town arborist (Phil Normandy): <ul style="list-style-type: none"> • Bartlett contract for pruning is essentially complete. There were some issues on this job so Phil spoke with the Bartlett rep about improving future communications. • Empire is finishing up pruning, removals and stump grinding • The twelve (12) trees for Fall planting have been delivered and are in the pool parking lot. Waiting on Miss Utility to mark planting areas • Database has been updated with Bartlett changes. Empire changes and new plantings need to be entered. 	
The committee would like to clarify the obligations of contractors and, ultimately, home owners when undertaking any project that may impact a town tree. There have been a number of instances where contractors or subcontractors have stored materials on tree roots, dug trenches through root zones and installed insufficient tree protection. The current permitting documents on the town website do not provide any real guidance (outside of Sections 715-716) for building permits. Driveway/Parking instructions have limited advice.	Gerilee will contact the office to get a copy of the current tree protection language/advice.
The committee agreed, at minimum, that the town should be providing advice on identifying all town trees impacted by a project and provide appropriate tree protection guidance. Examples include:	Gerilee will contact the office about whether MoCo permitting communicates their tree save plans back

<ul style="list-style-type: none"> • Takoma Park’s guide: https://documents.takomaparkmd.gov/services/Permits%26License/Tree_Permits/Tree_Protection_Guide.pdf • Montgomery County’s guide: https://www.montgomerycountymd.gov/DPS/Resources/Files/Land_Development/RoadsideTreeDesignGuidelines.pdf • M-NCPPC Section 721 (Phil found this, see 721-Tree Preservation.docx) • Appendix G of the CAP <p>It may be appropriate to excerpt or summarize these documents since they are long, however, the committee felt that contractors should already be abiding by the county document so it may be enough to clearly state which standards we are enforcing rather than reinvent the wheel.</p> <p>The committee is still in fact-finding mode with regards to enforcement of tree protection. Fines, bonds and issuance of stop-work orders have all been discussed as mechanisms to prevent contractors (and homeowners) from ignoring tree protection regulations. It is important to note that damage to trees is often invisible at the time but will cause the tree to fail. This is why it is important to hold contractors and home owners responsible when they damage a town tree or its roots, at the time of the infraction.</p>	<p>to the town at the time of permit issuance.</p> <p>Phil will chat with Pat Keating to get his perspective, as a builder, on tree protection.</p> <p>Sean will chat with Jeremy Lichtenstein to get his perspective, as a builder, on tree protection.</p>
<p>The committee may suggest changes to the town ordinances (specifically Chap 7; Sec 715-716) as part of future code revisions.</p> <ul style="list-style-type: none"> • Language about resident DNR permits is no longer appropriate (town has its own DNR permit) • The \$50 fine for tree damage is too low and should also be moved to regulations rather than ordinances <p>Chris Keller provided draft Ordinance modification language that was written under the previous Chair (J. Krivanek), In brief:</p> <ol style="list-style-type: none"> 1. 716(a) should remain as it is appropriate and historical 2. Revise 715(b) to allow town council to delegate planting and maintenance decisions 3. A new section “authorizing the promogulation of regulations” for other aspects of tree planting/maintenance/removal. 4. Something conditioning permitting (and parking pads) on tree protection (see Sec. 401(a)) 	<p>Charlie will forward the emails about proposed ordinance changes to committee</p>
<p>Reminder: The Fall tree walk will be on Sunday November 5 at 1 pm. Lizzie is making signs.</p>	

<p>The current chair, Sean Conlan, only agreed to serve a two-year (2) term as chair (of his 5 year term on the committee). In 2024 we will determine if another committee member is willing to take over as chair.</p>	
<p>Held over from last meeting: Memorial trees:</p> <ul style="list-style-type: none"> • Ted Pratt’s memorial tree dedication postponed • Gene Swearingen’s family needs to be contacted about possibly dedicating a tree to him 	<p>Sean will contact the town office about both.</p>
<p>Next meeting Nov 15th and the Committee doesn’t anticipate the need for a December meeting. Adjourn at 8:30p.</p> <p>Added after the October meeting</p> <ul style="list-style-type: none"> • Meeting was moved to Tuesday December 5 to accommodate committee member schedules 	<p>Sean will check on town hall availability.</p>

Abbrev.

CAP=Comprehensive Arboretum Plan

POSCO=Parks and Open Spaces Committee

GPCAN=Garrett Park Climate Action Network

SHA=State Highway Administration

MOU=Memorandum of Understanding

SOW=Statement of Work

LUAC=Land Use Advisory Committee