

Minutes  
Meeting of  
The Tree Subcommittee  
Of the Town of Chevy Chase  
August 12, 2014  
7:00 pm

Present: Vicky Taplin, presiding, Harry Marshall, serving as secretary, Judy McGuire, John Fitzgerald and Paul Magnusson

Absent: Elizabeth McDonald and John Kolakowski

The draft resolution to add tree size and location to Chapter 29 as a consideration for removal was addressed. Paul observed that as written in the draft, the size and location of the tree was a factor to be considered by the Tree Board, rather than the town manager. He and Elizabeth viewed this as problematic. Paul said that it should be considered by the Town Manager at an earlier phase than the appeal. Harry suggested that the concept be added to Section 29-6—which covers the initial application--and Paul agreed that such action should resolve Paul and Elizabeth's concerns.

Vicky clarified how the subcommittee had been formed: over the past year, a working group of the Climate and Environment Committee had been developing possible clarifications and improvements to the tree ordinance. When the petition to relax the ordinance emerged this past spring, then-Mayor Pat Burda asked members of the working group and of the petition drive to meet together as a subcommittee to hash out possible changes to the ordinance. Members of the tree board were invited to attend the first two meetings to provide context and answer questions about the ordinance. At the request of then-Mayor Pat Burda, the tree board members serve as a resource to the subcommittee, but are not members of the subcommittee.

Vicky will seek clarification from Mayor Kathy Strom about whether the subcommittee should first present its report to the Climate and Environment Committee, or instead report directly to the Council. The subcommittee report would have to be provided to the Town Manager by September 4 for it to be on the Council agenda on September 10.

An extensive discussion followed about the need for addressing other solutions to a hazardous tree, e.g., cabling and its costs, and replacing the tree. Paul said that such considerations should be considered but that the decision should ultimately rest with the homeowner. He pointed out that it was the homeowners who would be paying for any mitigation short of removal. Judy raised the need for a scientific assessment which would determine the damage caused by removals, citing instances of considerable water damage to neighboring properties resulting from previous tree removals in the town. A discussion of the value of trees in water retention, CO2 absorption, and shade occurred. All agreed that trees were an important source of environmental

improvements. It was agreed that requirements of all the Town's ordinances should be considered early on, and at the same time, in the Town's permitting process: the FAR, water management, and tree removal.

Returning to the changes in sections 29-6 and 29-9, Harry again suggested that the proposed change for 29-9 be also incorporated into 29-6. There was general although not unanimous agreement with the following being added to 29-6:

- Add "existing" structure
- Limit of one removal per person and property per five years
- Provide for a two-year sunset provision
- Require replacement tree to be planted
- Require collection of data before and after tree removal concerning size, assessment of health, species, and presence/absence of internal rot as well as report on collateral damage during subsequent years stemming from its removal (e.g. drainage, erosion)
  
- Remediation of loss of environmental services per standard algorithms for such losses (e.g. loss of water retention, cooling shade, air filtering, etc.)

The suggestion of a mitigation fee being assessed was discussed but not adopted as a condition. Paul opposed this suggestion.

The subcommittee decided to postpone consideration of the principles for clarifying Chapter 29, as set forth in the Judy, Harry, and John F's proposal, for the next meeting.

Harry agreed to rewrite the proposals for changing Sections 29-6 and 29-9 and circulate.

The subcommittee will meet again on August 27, at 7:00 pm at the Town Hall.

The meeting adjourned at 8:30 pm