

The Tree Commission Meeting for the City of New Castle took place on September 13, 2010 at 5:30 p.m. in the City of New Castle's Town Hall.

Members Present: Chip Patterson, Chairperson
Susan Keyser, Co-Chairperson
Erv Thatcher
John Lloyd
Mark Miller
Nancy Coning
Toby Hagerott

Members Absent: Tom Truman
Fran Peden

The meeting was called to order by Mr. Patterson at 5:35 p.m. Roll call was taken.

Approval of Minutes – Mr. Miller made a motion to approve the 2/1/10 minutes and the 7/12/10 minutes. Ms. Coning seconded the motion and the minutes for both meetings were approved.

MEMBERS REPORT

Erv Thatcher – There are four (4) trees that need trimming. Three (3) are in front of 601 and 603 Tremont Street and the other is in front of 40 West Sixth Street. Behind the bank on Battery Park there is an elm tree that he is concerned may be diseased. Other members concurred the tree is looking bad. Mr. Lloyd will look at the tree and report back at the next meeting.

Susan Keyser – At 127 Second Street there is a big Sycamore tree that residents are concerned will fall. She has looked at the tree. It is a healthy tree but does have a crown on it and may need some pruning but suggested other Commission members look at the tree to provide their assessment at the next meeting.

Nancy Coning – Nothing to report.

John Lloyd – Trees in front of the Methodist cemetery on Delaware Street need to be evaluated by Commission members. Some limbs may be a hazard to vehicles. Pruning has taken place on those trees this year. There is a dead maple tree at 527 Cherry Street that has been on our list previously but is still standing. There is a Bradford pear tree with a splitting main crotch at 31 West Fifth Street. There is a maple tree next door to Mr. Miller's home (across the alley) that has a dead leader that needs to be addressed. Between 221 Harmony Street and Third Street there is a large broken limb that needs to be removed. Mr. Patterson will check with Tree, Inc. about removal.

Toby Hagerott – He noted two (2) oaks on The Green that need attention. This body is not responsible for The Green. Mr. Patterson said there is a meeting this week of The Green Committee. He is appointed to attend those meetings.

Mark Miller – Nothing to report.

Ratchford and Beale, Willow Oak Letters – At the July meeting Commission members were in agreement to request Mr. Russ Carlson, certified arborist, to look at the two (2) trees in question on The Strand and provide them with advice on a path forward. Mr. Carlson's letter was received by the homeowners and Commission members.

Ms. Linda Ratchford addressed the Commission. Mr. Carlson did an assessment on these trees ten years ago. They have grown 10-12 inches in diameter since that time. They can grow as large as 6' in diameter. They are the only two willow oaks on a sidewalk in the city and recommended planting distances are 15' from a foundation. The willow oak in front of her residence is 6' from her front step. The trees are very healthy. Mr. Carlson's letter (9/9/10) does not address the damage to the sidewalk and she is incurring damage to her step and also reported a small stress fracture to her foundation that she believes is caused by the tree's roots. The foundation of her home is between 200-300 years old and is made of fieldstone. All avenues she has researched lead her to believe that there is no solution but to remove the tree. (*Her home is where Thomas McKean, a signer of the Declaration of Independence, once lived. The original house burned down but the foundation is original.*)

Mr. H. Binnie Beale spoke of an alleyway (4' wide) between his residence and Ms. Ratchford's home. There is a cast iron pipe drain pipe in that alleyway that he believes was flush with the curb when it was installed but is now 9" above the curb. There is a tree root present that continues to push the pipe upward. Mr. Carlson's letter notes the roots can be trimmed if they are 1"-2" but the roots in question are larger and in order to fix the drain to drain properly, saving the tree is questionable. He reiterated his position from July that the trees need to be removed now rather than putting 'band aids' on a problem that is going to get worse with time.

Mrs. Beale said they love the trees but their homes take preference. The trees are the wrong tree for the area and are not recommended for their area and are continuing to grow. The homeowners inherited the trees in question. The homeowners are looking for resolution and Mr. Carlson's letter does not address anything of a permanent nature.

Mr. Lloyd agreed with the homeowners. The trees grow fast and are large and do pose a threat to their homes. Fixing the sidewalk is only one problem. There is no good solution to the issue.

Ms. Coning stated there are two (2) issues being presented by the homeowners-- house issues and tree issues. The stress fracture and the step being raised likely take precedence over saving the tree.

Mr. Thatcher was sympathetic to the homeowners' concerns because a former owner planted those trees without considering the species.

Mr. Miller does not want to act too quickly. The trees are on an important street in the city and he feels there is still time to deal with the issue. He would like to explore with Mr. Carlson his proposed 'band aid' suggestions. Cutting down these trees is going to be a severe trauma to the street scape on The Strand.

Additional discussion followed about damage to the foundation of the homes. It was also noted that there is now water in between the two (2) homes that started the last two years. This condition is not good for the foundations and causes a safety issue when the water ices during the winter. The homeowners like the trees and the shade they provide but the damage to the homes is their main concern. Mr. Carlson's report is from an arborist perspective and not a civil engineer. The homeowners respect Mr. Carlson's position but do not agree with his suggestions.

Ms. Keyser said there is no such thing as a permanent fix on sidewalks. She senses the two (2) trees are being combined to be removed. One tree has some issues but the other tree has issues that can be easily dealt with. She sees solutions to drainage as being easier to work through but questions whether the crack to the foundation is being caused by roots until further research is done. We have removed healthy trees in the past for various reasons but those decisions are made carefully. Our task is to look for solutions before rushing to remove a healthy tree. *(Lengthy discussion followed between the homeowners and Commission members.)*

Mr. Miller requested the homeowners to provide Commission members with the information for people they have spoken with. The Tree Commission may need to bring in a civil engineer to determine what damage the trees may be doing.

The homeowners do not feel they should incur the expense of getting a professional to prove their point citing the trees and sidewalks belong to the city. Mr. Patterson informed that the City Charter states that sidewalks are the responsibility of the homeowner.

Mr. Patterson is concerned with the precedence removal of these trees would set. Each situation is unique and this situation is not something that this body has ever addressed. He understands the concern with foundations being affected by roots but has not personally seen it. As far as trees affecting sidewalks, steps and creating drainage problems go, they are consistent in the city. How do we maintain a viable street scape in the city? The City of New Castle has struggled to preserve existing trees. What is the long-term impact on the street scape in the City?

Mrs. Beale noted that these trees are not represented anywhere else in the city in the street scape. Many other varieties of trees work well in the city. These trees are not

mature trees. Ms. Keyser does not believe the trees will achieve the dimensions it could because of its location. Mr. Hagerott disagreed saying it will continue to get bigger. Mrs. Beale added that Mr. Carlson informed them the tree has found its water source and will grow to its maturity. *(Additional discussion followed.)*

The homeowners expressed their concerns with having no control while the trees have the control. *(Lengthy discussion followed.)*

Ms. Coning said she does not see why we need to see roots penetrating a foundation before making a decision. Ms. Keyser stated it is because there is no history showing trees attacking houses. Ms. Coning disagreed and noted she has seen it in older houses. Ms. Keyser cited Mr. Carlson's letter and possible resolutions he offered.

Mr. Miller wants to talk to Mr. Carlson about his recommendations and ask him questions.

The homeowners questioned why the information provided by Mr. Carlson, at the Tree Commission's request, is not enough information to make a decision. *(Additional discussion took place.)*

Mr. Patterson said the homeowners have the right to secure other professional opinions about their properties and present those to the Tree Commission to aid in making a decision.

Mr. Lloyd made a motion to table this matter to allow the applicants time to obtain other expert opinions (arborist, structural engineers, etc.) to satisfy this body at the next meeting. Mr. Miller seconded the motion. Ms. Keyser suggested the homeowners be careful in getting someone with the proper experience to offer a neutral expert opinion. They need to be experts. Mr. Beale said that this body and Mr. Carlson's interests are supporting the growth and maintenance of trees regardless of damages to sidewalks, structures and such. They (Ratchford & Beale) need a structural engineer to demonstrate the damage the tree has, can and will do to the foundation and area around the house. Ms. Keyser's reply was that Mr. Carlson is very interested in protecting property and advises the Tree Commission on solutions to save trees but not at the expense of the homeowner. *(Lengthy discussion about the content of Mr. Carlson's letter took place.)* **The motion was carried by unanimous vote.**

Mariner, 106 E. Third Street, Roots – Mr. Patterson noted all Commission members received a copy of Mr. Carlson's letter recommending removal of the Norway maple tree at this location.

Ms. Keyser made a motion to follow Mr. Carlson's recommendation and remove the tree. Mr. Miller seconded the motion. The motion was carried by unanimous vote.

in the ordinance but should be in the appendix. Mr. Patterson informed there will be public meetings conducted and that is the forum for this body to express its desire to work with the Planning Commission on language for this ordinance. The areas include the Ferry Cut-Off and Route 273 and Seventh Street between Dobbinsville and South Street. These areas are planned to be commercial as part of the City's Comprehensive Plan. Mr. Miller recalled that the Planning Commission adopted resolutions that said they would consult with the Tree Commission on tree planting. This is a departure from those earlier documents.

Ms. Keyser made a motion to instruct Mr. Patterson to write a letter on behalf of the Tree Commission to the Planning Commission expressing our concerns with the language in the zoning amendment. Mr. Miller seconded the motion. The motion was approved by unanimous vote.

Marini Letter – Mr. Patterson noted all Commission members received a copy of Mrs. Marini's letter which is self explanatory. No discussion followed.

Downtown Gateway Zoning Amendment – This is a recommendation from the Planning Commission that includes the changes to the proposed ordinance. The Tree Commission is excluded in the language concerning the types of trees and where and how the trees will be planted. Mr. Lloyd said this language should not be

Adjournment

A motion was made and seconded to adjourn the meeting. The motion was approved and the meeting was adjourned at 7:15 p.m.

Respectfully submitted,

Debbie Turner
Stenographer

