

Minutes of the City of Takoma Park Tree Commission

June 12, 2018

By Carol Hotton

Location: Hydrangea Room, Takoma Park Community Center

Present: Tina Murray, Chair; Denny May, Vice Chair; Carol Hotton, Secretary; John Barnwell, Bruce Levine, Commissioners; Jan van Zutphen, Urban Forest Manager

Meeting convened at 6:45 pm.

1. **Minutes for May 8 meeting approved.**

2. **Urban Forest Manager Report.**

- A. Spring tree planting completed: ~ 45 trees on Willow Ave.; Forest Park, Spring Park – white oaks, etc.
- B. Tree Canopy assessment. Tentative date for public presentation set for Sept 29. Azalea Room reserved. Keith Pitchford will be unavailable on that date.
- C. Jan will be on leave from June 15 through August 15. Keith Pitchford will fill in as acting arborist.
- D. Eastern Ave. sewer alignment project. Jan met with Doug Sievers, WSSC arborist, to discuss tree removal and protection plans. Jan is asking bond for two large trees, including a 42” willow oak, from WSSC. One large tree (what species?), a number of mulberries, among others, will be removed. WSSC won’t be required to request permits but states that they will adhere to Tree Ordinance. Jan will supervise process, including placement of trenches, root pruning, fencing, application of Cambistat, etc. Project scheduled to begin in Spring, 2019.
- E. Discussion of activity at Poplar and New Hampshire – can it be converted to park? Currently badly overgrown with invasives, but removing them problematic and possibly dangerous, as site is old dump filled with debris.
- F. City has decided not to allow removal of trees until a building permit is approved by County. This stems from the case on Geneva Ave., where a tree was removed and a house built on the property.

3. **Takoma Junction development update.**

- A. Tina talked to Mayor Stewart and Ward 2 Councilmember Cindy Dybala about TC memo of March 21, 2018, outlining recommendations related to trees to City Council. Redevelopment plan as currently proposed by NDC contain elements such as dimensions of parking garage, storm water management, and environmental clean up of trash, that threaten preservation of existing trees on the slope. The tree protection plan WILL NOT be

included in the building permit application to the County, as the City indicated it will not be developed until the line of disturbance is set, which would occur after permit is granted (assuming it is granted). Therefore there is question how the tree ordinance will be enforceable. Therefore, it is important for the Council to take a position enforcing the Tree Ordinance thorough the permitting process.

- B. Discussion of letter sent to Tina for dissemination to other Commissioners from City Manager regarding role of the Tree Commission in the TJ development porcess. Letter outlined standard process for posting and appeals on private property and then requested that Commissioners refrain from public expression of opinions on Takoma Junction development, anticipating that appeal may come before Commission. Problem 1: property to be developed is City-owned, and there is no process for City to post tree removal or tree protection plans. Problem 2: It is unclear who would have standing to appeal; NDC has a 99-year lease from the City, and has no standing; the Coop leases its property from the Turner family, who would probably not be involved in legal action.
- C. Several Commissioners expressed confusion over whether adjudicatory and advisory roles are in conflict. The letter from City Manager implies that Commission has only an adjudicatory role, whereas the statutory role of the Commission (Chapter 2.16.020) is “to preserve, protect and promote the urban forest of Takoma Park”. Sending an advisory memo to the City Council with recommendations on preserving trees in the process of redevelopment is well within our statutory role, especially as there at the time the memo was sent, no appeal was expected to be brought before the Commission, and it remains unclear whether an appeal can be mounted.

Action Item: Tina will request that Commission meet with Ken Sigman after hearing on June 14. Carol will compose questions for Ken: 1. How are advisory and adjudicatory roles of Tree Commission harmonized? 2. How can the City effectively appeal its own actions with regard to tree removal or tree protection, and who would have standing to bring appeals before the Tree Commission?

Meeting adjourned at 8:20 pm.