

Minutes of the City of Takoma Park Tree Commission

July 14, 2020

By Carol Hotton

Location: virtual meeting by Zoom

Participants: John Barnwell, Bruce Levine, Co-Chairs; Carol Hotton, Secretary, Nancy Cohen, Commissioner; Daryl Braithwaite, Director, Public Works; Mike Rynd, Attorney, City of Takoma Park; Jan van Zutphen, former Urban Forest Manager; Jessie Carpenter, City Clerk

Meeting convened at 6:45 pm.

1. Minutes for June approved.
2. Tina Murray has resigned from Commission.
3. Discussion of upcoming hearing: appeal of Montgomery College (MC) tree removal due to construction
 - A. Background
 - a. In course of construction of new Math & Science Bldg, MC proposed removing 70 trees.
 - b. Jan van Zutphen (previous UFM) approved removal of 59 trees related to construction and utilities.
 - c. Process began ~ 2 years ago. MC submitted permit requests after they began construction, and did not communicate with neighbors about their plans.
 - d. MC still needs to submit additional information such as tree planting plan.
 - e. Neighbors owning property near construction site have appealed removal. All appellants have standing to appeal.
 - B. It was suggested that appellants consolidate appeals into one, but attorney noted that City may not require this. It was also suggested that one spokesperson for appellants should be chosen.
 - C. DB: Tree Commission must decide whether City decision regarding tree removal was made properly under the Tree Ordinance. Other considerations, such as past communications, cannot be addressed.
 - D. How to proceed with such a complex hearing.
 - a. In the past, UFM would discuss each tree, but that's not practical for 59 trees.
 - b. DB will provide footprint for each tree, color-coded to indicate poor condition and/or undesirable status.
 - c. UFM's analysis will be available for consideration.
 - d. Important note: MC has threatened to walk away from process, as they have the legal right to do, if hearing doesn't go their way.
 - e. UFM will attend hearing.

- f. Possible dates for hearing: Aug 5, 6, 12, 13. DB will communicate possible dates to appellants. Appellants will be given deadline for choosing date.
- g. BL suggested that appellants choose spokesperson and rehearse presentation before hand.
- h. Appellants should provide exhibits 7 days before hearing. Exhibits will be provided electronically.

E. Mechanics of hearing

- a. Standard order for hearing: arborist/UFM first gives testimony, then appellants, then defendant.
- b. No one seems to have standard script (introduction/description of process) used for hearing. CH has one in her records and will copy and forward to DB for modification.
- c. Information about process will be sent to appellants before hearing.
- d. Hearing will take place in one Zoom meeting. Decision will take place in separate Zoom meeting.
- e. Chat function will be turned off during hearing, as according to City Clerk, hearing decision process is less clear with chat on. Attendees can ‘raise hand’ if they wish to speak, and City Clerk can bring people in and out of meeting. City Clerk will make JB co-host—he will monitor attendees to determine who wishes to speak.
- f. Attorney noted that speaking times may not be restricted. However, informational email can include a general speaking time interval to prevent meeting going on too long.

F. General Considerations

- a. UFM – should he photograph trees in question? In theory, he has access to MC property. Probably not necessary.
- b. MC technically not part of hearing process. They could assert that Tree Commission has no jurisdiction over them.
- c. What if appellants appeal to County Court? Attorney noted that either side could seek legal options, such as preliminary injunction or stay. City doesn’t have any legal sway over actions of MC.
- d. MC has completed as much construction as possible without tree permits, and now need the permits to complete work. This may give City some leverage.

G. BL will preside over hearing and communicate process to participants.

Meeting adjourned 8:15 pm