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TOWN OF
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TREE PERMIT APPLICATION – T2021-0005

NOTICE OF DECISION

August 26, 2021

Applicant: ALL STARS TREE SERVICE on behalf of HAGERTY TIMOTHY P & HAGERTY KATRIN M
Project Address: 49 Bennit Ave

A tree permit application to remove two California Incense-Cedar trees measuring approximately 30 and 28 inches in diameter was submitted on February 04, 2021. The subject trees are located behind the home in the backyard, close to the property line fence.

The application includes an arborist report dated February 2, 2021 from Arborlogic Consulting Arborists. The report noted that both trees were in good health but in poor condition. With regards to the condition, the report notes decomposition, decay of the outer bark. Additionally, a severe lean on both trees, with more than 90% of the weight off-center, was also reported. Due to the lean and location of the trees, the report called for the removal of both trees, as removing just one would unbalance the other one. The trees also damaged and raised the concrete pathway in the backyard.

Because the report did not state there was an imminent threat and two anonymous voicemails were received with objections, a 10-day notice was sent out to all properties within a 300-foot radius. An administrative tree hearing was scheduled for July 7th, 2021, to receive testimony, however, none of the complainants were in attendance, and the only present party expressed support for the removal of the trees.

At the hearing, formal rules of evidence and discovery did not apply. All parties were given the opportunity to present evidence in support of their position and to cross-examine witnesses.

Based on the originally submitted arborist report, Town staff determined that there was enough information to make a determination regarding the permit application.

Discussion and Findings

The Municipal Code Chapter 13 describes the five considerations to be considered in reviewing tree permit applications.

Considerations:

1. *The condition of the trees or heritage trees with respect to disease, danger of falling, proximity to existing structures, and interference with utility services.*

The health of both trees is stated as good, however, the poor condition of both trees, along with their location and proximity to the house creates certain risks. The trees are considered a fire hazard and are at a risk of limb and total collapse based upon their condition. The timeline was not specified, however, limb failure risk was listed as high, and total collapse of the tree could be caused as a result of a significant lean.

2. *The necessity of the contemplated work to allow the economic enjoyment of the property.*

It appears that the young trees may have outgrown the location they were planted in and are damaging and creating tripping hazards in the concrete pathway. It also appears that the lean has increased over the years, increasing the risk of total collapse and reducing the owner's economic enjoyment of the property. The neighbors were also concerned about the condition of the trees, which prompted the owner to get the trees assessed.

3. *The topography of the land and the effect of the contemplated work on erosion, soil retention and the diversion of increased flows of surface water.*

The removal of the two trees may cause some increase in surface water flow from the property to others and/or increase water absorption on the property.

4. *The general effect of the contemplated work on property values in the area.*

Information was not presented on the impact of the tree on property values in the area. The tree is heritage-sized and is visible from the street. However, there are other trees of similar size within a view distance and two replacement trees will be required after the abovementioned trees are removed.

5. *Good forestry practices. A permit shall be issued unless the Parks Department Arborist finds, after an inspection and the securing of such expert advice deemed necessary, and making the foregoing determinations, that the trees affected are of a size, type, condition and location and in such surroundings that the contemplated work would significantly frustrate the purposes of this chapter.*

In staff's opinion the removal of this tree, follows the intent of this chapter in the municipal code.

Decision

1. Staff hereby approves the Tree Permit application to remove the two Cedar trees. The approval of removals shall be final 10 calendar days following the date of the decision by the Director of Public Works.
2. The applicant may appeal staff's decision within 10 days of this notice to Town Council.

Prepared By:

A handwritten signature in blue ink, appearing to read "Sean Condry". The signature is written in a cursive style with a long, sweeping tail on the last letter.

Sean Condry, P.E.
Public Works Director

Attachments:

2021 Arborist Report