

**FERGUSON TOWNSHIP TREE COMMISSION
MEETING MINUTES
MONDAY, June 17, 2019
5:30 PM**

I. ATTENDANCE

The Tree Commission held its public meeting on Monday, June 17, 2019 at the Ferguson Township Municipal Building. In attendance were:

COMMISSION:

Howard Fescemyer, Chairperson
Darlene Chivers, Vice-Chairperson
Marc McDill-Absent
Scott Pflumm
Mike Jackson-Absent

STAFF:

Lance King, Arborist
David Modricker, Public Works Director

Others in attendance were: Summer Krape, recording secretary; Jeff Ressler, Ferguson Township Zoning Administrator; Lindsay Schoch, Ferguson Township Interim Planning and Zoning Director; Wes Glebe, Ferguson Resident; Mark Kunkle, Ferguson Township Resident; and Steve Miller, Ferguson Township Board of Supervisors Chairman.

II. CALL TO ORDER

Dr. Fescemyer called the Monday, June 17, 2019 Ferguson Township Tree Commission meeting to order at 5:30 pm.

III. MAY 20TH MEETING MINUTES

Ms. Chivers moved to approve the Monday, May 20, 2019 minutes with corrections. Mr. Pflumm seconded the motion.

IV. FTTC LAND DEVELOPMENT REVIEW PROCESS

Mrs. Schoch discussed the plan review process and talked about the responsibilities of the Tree Commission. She stated that Mr. Modricker sent an email to all members showing the Commission's responsibilities for land development plan reviews. The Tree Commission's role, as stated in the email from Mr. Modricker, is advisory. Planning Staff reviews the plans to ensure they are in compliance with all of the Township ordinances. Although the developer's engineer, acting as agent, receives the Commission's comments, the comments don't always necessarily go to the Board of Supervisors since they're not actual conditions of approval. Conditions of approval could include posting surety, and any other thing that hasn't been completed prior to the Board giving approval of the plan. All those involved in the plan review process receive the Tree Commission's comments to take into consideration. Mrs. Schoch stated that there was at one time a subcommittee set up within the Tree Commission for land development plan review. Mrs. Schoch stated that Ms. Chivers and Mr. Marc McDill were the first ones to be on that subcommittee. Mrs. Schoch stated

that now she believes that Dr. Fescemyer and Mr. Pflumm are doing the reviews together. Dr. Fescemyer stated that he tries to involve the Commission as much as he can. Mrs. Schoch stated that there could not be a quorum together outside of an advertised meeting. Ms. Chivers confirmed with Mrs. Schoch that only two people needed to be reviewing the plans and otherwise there would be a quorum and the meeting would need to be publicly advertised. Mrs. Schoch stated that there were two people appointed specifically for plan reviews and to be careful due to Sunshine laws that there is not a quorum taking actions. Mr. Modricker stated he may not have been as close to it recently but originally he set it up as two commission members and the arborist. The idea was that that subcommittee would review the plans and then at the next regular meeting of the Tree Commission the subcommittee would report to the group. Ms. Chivers stated that after she and Mr. McDill would review the plan they would make a report and send it to planning staff as the deadline was usually sooner than the next Tree Commission meeting.

Mrs. Schoch showed the Commission a transmittal letter that all parties receive and stated that this transmittal letter will have all the information pertaining to the plan such as the zoning district, overlays/corridors, and the type of plan. Mr. Modricker also wanted to note that regardless of the zoning, the scope of the Tree Commission related to the review of land development plans is, as the ordinance states: "to determine the impact of such plans on the public trees and to make recommendations on steps needed to mitigate the impacts, review all tree plans for all neighborhood proposals, review the proposed plans of public improvement to Township parks, plazas, and streetscapes and other public places". Mr. Ressler stated, to be clear, the public trees would be the street trees and not the interior landscaping on the projects. Mr. Modricker stated that he had a conversation with Mr. Pribulka, Township Manager, about this. He stated that Mr. Pribulka understands that there are times when the Tree Commission makes recommendations and comments that aren't necessarily required by the ordinance. Mrs. Schoch stated when the Ferguson Township Tree Commission makes those comments she still passes them along to the developer, but it's not necessarily something that is required by ordinance, so if it doesn't get implemented it doesn't make it to the level of the Board of Supervisors as a condition of approval. Ms. Chivers stated that the Tree Commission understands that their comments are advisory only.

Mrs. Schoch gave the Tree Commission a quick overview of the review process. Once the plans get submitted, she prepares a transmittal letter and gives approximately two weeks for everyone to review the plan and send their comments back. Mrs. Schoch compiles the comments and they are normally verbatim. Dr. Fescemyer asked how she would prefer to receive comments (in an email or word document). Mrs. Schoch stated that email is fine because it has the sender's name and date. A Word document is also fine and she can attach it that way too. The comments are sent to the engineer/agent and they resubmit to planning staff if everything is complete then the plan moves forward to the Planning Commission for their recommendation. The Board of Supervisors

approves or denies it and then the plan gets recorded and a zoning permit gets issued. If everything isn't complete the second time a plan is submitted to planning staff, the resubmission goes back to everyone that provided comments and the process continues. Mr. Ressler stated that a development plan needs to meet the requirements of the ordinance. If the plans do not meet the requirements, the applicants have to request a variance. Mr. King also noted that when a developer goes above and beyond what the requirements of the ordinance state, then a note is made in the response letter. If the developer/agent does not agree or does not feel the recommendation is necessary, then "duly noted" is included in the response letter.

V. PINE HALL MASTER PLAN REVIEW

Dr. Fescemyer distributed a questionnaire that he had prepared to the Commission. Dr. Fescemyer stated that he and Mr. Pflumm stopped at the Township office and looked at the Pine Hall plan and they had some thoughts that he wrote down in the format of a questionnaire. Dr. Fescemyer first wanted to address the zoning ordinance which states: "the existing wooded area shall be protected to prevent unnecessary destruction". It lists the percentage, caliper of trees, and also provides the developer a way to compensate for the loss of the trees. Dr. Fescemyer asked how the decision was made regarding this standard that appears to let the developer not preserve forty percent of the trees.

Mr. Ressler stated that it says "at least forty percent of the number of trees that exist at the time a plan is submitted shall be maintained or replaced." In this case he believes they are meeting the requirement. The developer is maintaining a certain number and they plan to replace the remainder to make that forty percent number. The plan meets the ordinance in his opinion. Dr. Fescemyer asked if staff had the numbers to substantiate that. Mr. Ressler stated that he has the preliminary numbers. They won't all be shown on the master plan but will be on the Specific Implementation Plan plan as they have all the details for the number of trees. At this time, the Township has the master plan, made comments to them with the first review and they responded back with how they are going to meet the requirements. Mr. Ressler stated they can meet the requirement with public trees, trees in the site such as trees around the buildings, interior landscaping around buildings, street trees, and trees in parking lots which number will equal the 40% either maintained and/or replaced. Dr. Fescemyer stated that that is not the impression he got from the plans. The impression he got was most of the replacement trees are requirements for the streets trees, buffers, etc.

Mr. Ressler stated that as far as the other questions that Dr. Fescemyer has prepared on his questionnaire, staff is not able to answer them at tonight's meeting since there is much detail that needs to be researched. Dr. Fescemyer stated that is fine he just had some questions and suggestions on preserving more trees. Ms. Chivers asked what method of measurement they use to determine the "forty percent." Mr. Ressler stated that there was a tree count done. The count doesn't include the mass of the trees but individual trees. Mr.

Pflumm stated that there is a concern for a fragmented ecosystem. He asked if there is any way right now, given the way the ordinance is written, for the Tree Commission to raise that concern beyond just a recommendation, and if not, is there an appropriate way for the Commission to make a recommendation for a modification to an ordinance so that concern can be addressed in the future. Mr. Pribulka stated that based on our current ordinance, no there is not. However, the Board has requested that the Tree Commission prepare a Tree Preservation ordinance and to his understanding it is going to have more of a focus on canopy and is going to be housed/captured in the subdivision and land development ordinance regulation, which by enabling legislation a municipality is authorized to have regulations around. A future Tree Preservation ordinance could require a certain amount of canopy be preserved or a certain amount of canopy be incentivized to be preserved through a certain mechanism to address fragmentation of tree planting throughout a site. Ms. Chivers stated that the fragmentation really addresses contiguously planted trees and canopy alone does not address that.

Mr. King stated he suspects it would be easier for a developer and all involved to save a chunk over here than to save little dots. Dr. Fescemyer stated he doesn't know what the Tree Preservation ordinance is going to look like in terms of what Mr. Pflumm was talking about, but he stated that what Mr. Pribulka is talking about is more like what the preservation ordinance will be like. Meaning that in the future a developer may have to preserve a certain amount of trees on the lot, and they will need to protect a certain number of trees of a certain DBH, and they will need to get permits to remove trees, and they may have to even replace those trees that are removed. These are some components that may go into the tree preservation ordinance but the Commission is still working on it.

Dr. Fescemyer stated that he can send Mr. Pribulka a Tree Preservation ordinance from White Marsh Township that he may recommend as a model. Mr. Pribulka stated that he has been in contact with the Manager of White Marsh Township, Mr. Malore. Mr. Pribulka has read the ordinance and noted that they are in the process of amending their tree ordinance, which has been written for close to 20 years now. Mr. Malore sent Mr. Pribulka the latest draft of the new ordinance. He would like to confirm with Mr. Malore if it is okay that he shares it with the Tree Commission before he distributes it to the group.

Mr. Glebe expressed concern regarding the tree count that was performed by the developer. Dr. Fescemyer stated this is something Mr. Glebe will need to bring up to the Board of Supervisors. Mr. Modricker stated that Mr. Glebe has brought it up to staff and staff is aware.

Mr. Pribulka stated that the Township will accept that any tree count calculations that are done by a qualified professional (which Mr. King and Mr. Ressler have done) and the Township would accept the outcome of the inventory, and what there identifying in their plan is consistent with the requirements of the ordinance. The Tree Commission had concerns with the above approach, noting

that a conflict of interest exists. Mr. Pflumm stated that in the future there needs to be a certain methodology for the way the samples are counted. Mr. King agreed there needs to be requirements such as having an SAF certified forester do the samples, and specifications for sample plots which could be written in an ordinance. Mr. Kunkle expressed concern about the growth in the Township given restrictions on land use related to the tree preservation being discussed by the Commission.

VI. ORCHARD VIEW LAND DEVELOPMENT REVIEW

Mr. King stated that he had the Orchard View Land Development plan on the table for the Commission to look at if needed. Dr. Fescemyer also prepared a questionnaire for the Orchard View Land Development. The Commission discussed the placement of the wood lot and the location of existing pine trees. They also looked at the grading plan, record plan, and talked about buffer areas. Dr. Fescemyer stated he was trying to come up with some rationale to plant more trees. Mr. King stated that he suggested they put a buffer between the lot that is located closet to College Ave. It is not a requirement and is on private property. He suggest a row of evergreen to block the noise and dirt. Mr. King stated that he asked them to plant basswood instead of the red maple. Dr. Fescemyer stated he would just ask them to double up the number of trees. Dr. Fescemyer suggested a poplar type tree. The Commission discussed adding another type of oak and Ms. Chivers suggested Purple Robe Black Locust.

VII. TREE PRESERVATION ORDINANCE

Dr. Fescemyer recommended not to pursue hiring a consultant to help draft the tree preservation ordinance. Dr. Elmendorf has agreed to help the Tree Commission draft it. Dr. Fescemyer met with Dr. Elmendorf and stated that they have made some headway with it and they are going to continue to work on it.

VIII. PUBLIC EDUCATION AND OUTREACH

Nothing discussed.

IX. ARBORIST REPORT

Mr. King will email the Commission members his arborist report.

X. COMMUNICATIONS TO COMMISSION MEMBER

Mr. King wanted to let members know that the July 15, 2019 Tree Commission meeting will be the Township tree tour and will start at 5:00 pm.

XI. FUTURE AGENDA ITEMS

Nothing Discussed

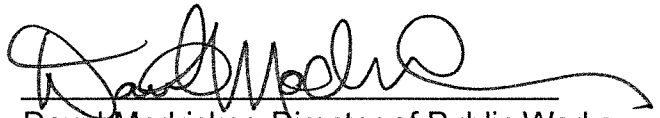
XII. OTHER

Nothing Discussed

XIII. ADJOURNMENT

The June 17, 2019 Tree Commission meeting adjourned at 7:43 pm. All items on the agenda not discussed will be discussed at the meeting on August 19, 2019.

RESPECTFULLY SUBMITTED,

A handwritten signature in black ink, appearing to read "David Modricker", written over a horizontal line.

David Modricker, Director of Public Works
For the Tree Commission