

NOTES OF THE SHADE TREE COMMISSION MEETING
November 15, 2016

Present: Jim Bower, Carl Pike, Robert Shenk, Mimi Shapiro, Douglas Smith

Lacking a quorum, there was no official meeting. Agenda items were discussed, and will be placed on the December 20, 2016 agenda.

New Business

42-16 The owner of 233 Church St. requested permission to removal one Bradford pear. Bower provided the following information. This is a Bradford pear, which we are allowing to be removed when they are damaged or pose problems. The owner needs to replace the sidewalk raised by the tree. There would probably be significant root damage to do the sidewalk work. A major branch had split off in a storm leading to the very large trunk wound. Some other branches on the street side have also been damaged. The tree grows out into the street and blocks the travel lane directional signs, so the city has to regularly prune the tree so the signs are visible. PennDOT rules about the location of lane signs are very strict, and the signs cannot be moved. The crown is up in the primary electric wires and is pruned by PPL. The tree is located on the property line - the city now tries to avoid such locations shared by two properties. But it is not possible to put the replacement completely on the 233 property, so an exception would probably be made to place the new tree where the old one is. Given the site, a small tree would be appropriate (the owner mentioned constellation dogwood or tree lilac). A small tree would not create a problem with the traffic signs. The tree well can be expanded along the curb while still maintaining required sidewalk width.

43-16 Mr. Sidney Kime (ELA Group) presented a sketch plan for land development at 35 Erick Rd. The property is now used for storage of vehicles and equipment, and will be developed with a one story building for Lancaster Red Rose Organics. On Erick Rd., because of the required location of the building close to the street, there will be a 3.5 foot planting strip and a 4 foot sidewalk. The overhead power line that comes across the street will be buried along the southwestern frontage of the building. The street on the southeastern side is not yet opened, but in anticipation of a future opening the required street trees will be planted. There is somewhat more space here. A question was raised about the use of American hornbeams, which have been problematic elsewhere in the city because of scale insects. Bower and Smith will discuss with Mr. Kime if the American hornbeams or some other species will be planted. There will be 8 street trees on Erick Rd. and 5 on the unopened street. The Commission was pleased that native trees less-commonly planted species are proposed. Given the limited available soil volume and to lessen the chance of future sidewalk raising, structural soil should be used under the sidewalk. The Commission reminded Mr. Kime of the provisions of Ordinance section 273-10-C-6, concerning when the trees are allowed to be planted.

In its advisory role concerning the parking lot, the Commission suggested that flowering dogwoods not be planted because of disease and insect problems. Instead, kousa dogwoods or hybrid dogwoods could be used. According to the city ordinance 3 parking lot trees are required, but the owner proposes 5. Because there will be storm water cisterns under the parking lot, it would not be possible to plant large trees with extensive root systems. The parking lot will not be used to infiltrate storm water.

44-16 The owner of 231 S. Marshall St. requested permission to remove one tulip poplar. Mr. Raul Torres stated that a root had grown under the basement floor and raised it. The root was cut on the inside of the basement floor so that the floor could be repaired. Some branches have fallen and the sidewalk has been raised. Bower reported that the owner had previously wanted to radius the sidewalk. Another tulip poplar to the south on this property had been removed some time ago; this tree had caused some of the sidewalk damage. The Commission proposed that the first step would be for Bower to examine the roots when the sidewalk is removed. If there are just a couple of roots growing toward the house, these could be cut without damaging the tree. If there are many roots, then cutting them would endanger the tree and it might be necessary to remove the tree. The owner had not received a sidewalk repair notice from the city. Smith and Bower will assist the owner in securing a sidewalk permit as a first step, and the owner will notify Bower when the sidewalk will be removed so that Bower can inspect and recommend the next steps.

45-16 The owner of 210 S, West End Ave. requested permission to remove 2 Norway spruce trees that are close to the house. No documentation of the reported property damage was provided, so the Commission could not assess the situation. The 15 foot right of way line does not include the trunk, but branches of the tree extend into the right of way. The Commission later discussed this issue about jurisdiction over such trees (see below).

Discussion Items

1. Arborist Report

- The trees at the Lancaster Press Building (401 N. Prince St.) were planted while major construction work is still underway, contrary to the provisions of the ordinance. Bower and Smith will contact the landscape architect and contractor to remedy this situation. The root balls are exposed, the trees are not staked, and the trees are not protected.

- The sweet gum at 628 Hilton Dr. that was injured has been removed. Bower will contact the owner about a suitable replacement at the owner's expense.

2. Sustainability Planner Report.

- Next month the ash tree removals and replacements (2 for 1) will be summarized, along with the overall budget and funding sources. The year's projected expenses from the Hartman Fund will be presented.

- Replacements for the ash street trees removed will be completed next spring. At some locations owner have yet to complete sidewalk repairs. The city is paying for the tree and stump removals and for the replacement trees. We should receive word soon on the Tree Vitalize grant application to partially fund the replacements.

- Signs will be placed on some ash trees (on streets and in parks) that are being treated to preserve them, as a way to inform and educate the community.

3. Comments from Commission Members.

- Shenk reported on project for a memorial tree for Mr. Nelson Polite, Sr. Using the funds raised, a large caliper white oak will be purchased from Schroeder Gardens; the firm will donate the labor required to plant the tree. The tree will be planted on the Rockland St. side of King Elementary School.

- As previously discussed by the Commission, Pike sent a letter to Charlotte Katzenmoyer, Director of Public Works, supporting city budget allocations for the purchase of street trees.

4. Other

- The situation at 210 S. West End Ave. prompted a discussion of the definition of a shade tree in relation to the public right of way.

The Pennsylvania Third Class City Code, section 2416, states (emphasis added): "Shade Trees.--(a) Council may, by ordinance, regulate the manner and method, if any, for the planting, trimming, removing, maintaining and protection of shade trees in, on and along or extending over the public streets, sidewalks and rights-of-way of the city and provide for penalties for violations thereof." It is clear that a tree which extends over the right of way is a shade tree, protected by the city, since Lancaster has adopted a shade tree ordinance and Commission.

Lancaster's Tree Ordinance, Section 273-2, defines a shade tree as (emphasis added): "Any tree, shrub or other woody plant in or upon any public street, highway or avenue, or public park, trail, greenway or open space in the City, or that part of any tree, shrub or other woody plant which extends within the lines of any public street, highway or avenue, or public park, trail, greenway or open space in the City." Taken literally, this definition would mean that branches of a tree hanging over the right of way are subject to the city's rules, whereas the trunk that might be outside the right of way would not be; clearly that is not logical. This language was taken from the previous Ordinance, adopted many years ago. It is also worth noting that the city code includes "shrubs and other woody plants", which are not mentioned in the above-cited section of the state code. The basis of that difference and implications should be explored.

If the city and the Commission were to assume jurisdiction over trees according to the state definition, that could potentially add more cases to the Commission's agenda. Property owners might not view such trees as subject to city regulations, since the trunk is on private property. The interaction with the Tree Ordinance's rules about "protected trees on private property" (section 273-17) would have to be assessed.

In order to pursue this discussion, Smith will consult with the City Solicitor and with the Director of Public Works. It seemed advisable to resolve the difference in language between the state code and the city code, at the very least.

Next meeting December 20, 2016, 7:30 PM