

Nantucket Tree Advisory Committee

Posted meeting of February 15, 2024 at 2:30 PM

DPW Conference room, 188 Madaket Rd, with Zoom
Connectivity

Draft Minutes for Review and approval

Attendance: Dave Champoux (Tree Warden), Mary Longacre(via zoom), Judy Deutsch (via zoom) Ben Champoux; Dale Gary Town Arborist, Scott Williams DPW Staff Charlie Polachi, DPW Staff. Jim Weimann of 39 Hooper Farm Road. Richard Arnold of 12 Winn Street

Absent: Whitfield Bourne

Public Hearing – 39 Hooper Farm.

- Call to Order
At 2:30 Dave Champoux called to order the Public Tree Committee Hearing for the removal of the Town Owned Linden tree at 39 Hooper Farm Road. Jim Wiemann, owner of 39 Hooper Farm Road, was asked to present his case to the committee. Jim opened by stating that he is not looking for a fight and feels that he has run out of options as far as this tree is concerned. Jim expressed that he feels that the tree represents a liability to the house and its occupants. And this liability has overcome the usefulness of the tree in this location. Jim briefly shared an account of how he recently worked to mitigate liability at his business due to a recent snowstorm. Jim stated that by not allowing him to remove the tree would be like sending him downtown at 5 am after a snowstorm without a shovel. Jim also stated that if he is unable to do something about the liability and problems the tree is causing the it is only a matter of time before an incident occurs where he could be sued. Jim continued sharing they never knew this was a town tree, and had they known earlier that it was a town tree and they would be unable to take it down given the liability and costs associated with the tree, maybe they would not have purchased the property, stating again there was no medallion on the tree and that he only learned it was a town tree in passing. Jim continued to express that the girdling and exposed root system is heaving the walkway creating a tripping hazard. Furthermore the trees root system have compromised the sewer line, which runs beneath the tree. He has had to have the line cleared 5 times in the last 10 months. The tree's roots have also compromised a side entrance to the building, upon the replacement of the entry way the contractor noted that the tree's roots extend around the building and under the corner of the foundation and could possibly compromise the foundation in the future. Jim also noted that the building department has requested a turnaround driveway be installed on the property which also requires the removal of the tree. Jim stated that he is a lover of trees and that when the tree was planted it was appropriate and a good idea, but it has since outgrown the space. Jim continued to point out that due to the tree and its exposed root system the tree is posing a significant grading issue, causing part of the property to pitch towards the house and foundation. He would like to

remove the tree, re-grade the property and plant two new trees of the committee's choice in its place. Finally, Jim asked that if the town would not allow the tree to be removed and would not accept responsibility for the damage caused by the tree, what is he to do?

Ben Champoux at the request of Mary Longacre held up photos of the tree's root system for those on Zoom to be able to see. Mary Longacre asked about Documentation of the Sewer damage or foundation issues and stated that the surface roots alone are not an issue.

At this point Dave Champoux gave a brief history of the tree, that it was from a tree program back in the 80's and that the location was chosen by the homeowner at that time. The location was chosen as the area closest to the road was densely planted with pine trees. He estimated the tree to be 55 years old and has been in the current location for approximately 45 years. And nothing about the tree would trigger an outright removal by the Town. Dave proceeded to ask Dale Gary Town Arborist for his opinion of the tree.

Dale stated that the tree is healthy despite the sever girdling of the roots. Dale also stated that there is no chance of the tree falling over and he has spent plenty of time pruning and caring for the tree over the years. Dale continued that while the root girdling does compromise the tree, it is currently healthy, and he would not be in favor of its removal.

Ben Champoux commented that while he felt for the homeowner and understood his concerns, that if the committee granted everyone of these requests that it would set a precedent for every tree to be removed. He also stated that it is the property owners due diligence to see what is on their property regardless of what is on the deed.

To this Jim asked how to proceed? At what point does the town become responsible for the damage the tree causes to his property?

Ben Champoux replied that the Tree Advisory Committee looks for a justification for removal of a tree, is it healthy, does it present an imminent threat to public safety, is the tree a Hazard? And that while the tree may not be ideal it is an asset to the town and instructed Jim that his journey does not stop with the Tree Advisory Committee., and that his next step should be to appeal to the Select Board.

Mary Longacre stated that the root issue should be brought to the attention of the Sewer Department, and the sewer department should fix the pipe to prevent further intrusion.

Dave Champoux asked Judy Deutsch for her opinion on the tree in question. Judy commented that should would consider the removal as this was not an Elm tree.

Richard Arnold of 12 Winn St. who was in attendance asked the Chair why the tree had no medallion and if it was known how far from the road/property line the tree was planted, along with stating that the tree is gnarly and is an ugly installation. At which point Jim stated he never knew it was a town tree and due to its position never thought to ask about its status.

Charlie Polachi stated the tree was approximately 30-35' from the property edge.

Dale Gary suggested that the property owner work with the sewer department on the root

issue and that he would do all he could to help the tree above ground, again stating that the building is not in danger from the tree.

Again, Jim asked to remove the tree so he could properly grade the yard and offered to plant 2 new trees of the committees choosing in its place, and he is willing to continue to the Select Board if that is the next step.

At this point Dave Champoux stated that as the committee is not in favor of removal, he moves the issues to the Select Board.

At 3:07 Dave Champoux closed the public hearing.

2/15/2024 Tree Advisory Committee Meeting.

1. Call to Order
Dave Champoux called the meeting to order at 3:08pm and listed all in attendance.
2. Committee Acceptance of Agenda
Agenda was unanimously accepted.
3. Committee approval of Minutes from 1/18/2024
Minutes from 1/18/24 were approved and accepted unanimously.
4. Announcements
No announcements were made.
5. Public Comment
No Public Comment
6. Citizen/Departmental requests
No Requests were made.
7. Old Business
Dave Champoux asked if the committee had a chance to review the draft of proposed fines and mitigation.

Mary Longacre asked for some clarification on definitions such as "Publicly owned trees" and asked if "Owned" is the proper terminology and what exactly is the relationship of the Town for a Town tree, particularly in a case where the tree is planted on private property with permission from the homeowner. Does the Town have legal fee ownership in the tree? Is owned the right word? Or should the terminology be changed to "town trees" as there is an existing definition of such.

Judy Deutsch agreed that there should be continuity of language throughout the document.

Mary Longacre suggested that if we are to incorporate language from Somerville that the

definitions should also match. Mary cited a “hazardous tree” as an example of a definition that might need clarification.

Ben Champoux replied that such decisions are often made or require an arborist designation.

Mary Longacre asked if the language of the definitions should be modified to be more specific, to which Ben Champoux stated that it may be better to leave the language loose as to not box in the committee’s abilities. Mary Longacre expressed concern that if the language is too loose it could allow people to wiggle out from under the rules. Judy Duetsch suggested adding the language “Town Arborist” to the “Hazardous tree section.”

Dave Champoux asked the committee to discuss the proposed fine schedule. Mary Longacre quickly reviewed the \$500 fine, and proceeded to ask if the committee was comfortable with excluding hybrid Elms from the Elm section of the mitigation payments. The committee expressed that hybrid Elms can be replaced with another hybrid variety, while the true American Elms are irreplaceable. Which is why the mitigation language is “non-American elm trees” vs “American Elm trees” Mary clarified that the designation between the trees was of a genetic nature.

Dave Champoux asked about the mitigation formula. Judy Duetsch expressed that the language is confusing in the mitigation sections, and asked for the language to be made clearer.

The decision was made to remove the “private tree” section of the penalties be removed for now. But could be used to bolster the towns Tree webpage in the future. Mary suggested that if we were to use any of the Somerville language for the web page, we should change it to be Nantucket specific.

Mary Longacre asked for language clarification and on the mitigation payments.

Continuing with old business Dale Gary reported on the sewer project, stating that there were minimal issues and the construction crew has been great about communicating when they require Dale’s assistance in pruning trees that may be effected. Dale stated that the trenching on Atlantic Ave caused minimal damage as the crew did their best to avoid the trees. The discussion continued to the trees at 8 and 12 Atlantic Ave, to see about moving the sidewalk on to the already worn paths that have been created around the trees. Dale was to discuss with David Grey if there were any plans to address the side walks as part of the sewer project.

Dale Gary gave a brief summary of winter pruning and storm damage, reporting minimal damage from winter storms and that he will be planting two trees, ‘New harmony’ Elm cultivars in place of the large Elm that came down in the storm at silver street.

8. New Business

Ben Champoux stated there some issues with the tree tag supplier but would continue to work on a solution.

9. Adjournment

Meeting adjourned at 3:38 with a Ben Champoux Motion, Seconded by Dale Gary and unanimously approved.

Respectfully submitted by:

Charlie Polachi

Next Meeting Scheduled March 21st at 3:00pm in the DPW Conference room with zoom available.