

## Tree Board Meeting Minutes January 5, 2009

Board members attending:

Renée Castiglione, Rory Ellington, Peter Patton, Cindy Keller, Marge Bailey

Citizens attending:

Wilson King

Town of Beech Mountain Staff attending:

Joe Perry, Stan Hannah

Meeting called to order at 9:03 am.

A motion was made by Chairperson Castiglione to change the minutes of the December meeting. Section VII, where it refers to Chairperson Castiglione brought up a tree by Lake Coffey. It should read "Mr. Perry brought up to the Board the issue of a dead tree by Lake Coffey."

Seconded by Peter Patton. All in favor.

A motion was made to accept minutes, with changes, by Peter Patton. Seconded by Rory Ellington. All in favor.

A motion was made by Chairperson Castiglione to switch the items of the agenda, placing Other Business next on the agenda after Approval of Minutes. Seconded by Peter Patton. All in favor.

Wilson King addressed the Board regarding the historical background of the trees on Beech Mountain. Mr. King requested that Dr. Jack Barrett be recognized, posthumously, for all the effort that he put into studying the trees on Beech and helping previous Councils and Boards determine what would be best for our forest.

Joe Perry addressed the Board announcing that there would be a one day Workshop in Lenoir, NC on February 23, 2009 called "Putting Trees to Work in Your Community." He stated that two Tree Board members could attend and the Town would pay. It was concluded that member would check their schedule and Chairperson Castiglione would be in touch with Mr. Perry.

Chairperson Castiglione showed the Board members the website that she designed, asking for input. Several changes were made, one being the name will not be *The Treehugger*, but will instead be called *Word for the Woods*. This title will be applied to the website and the newsletter.

Vice Chairperson, Rory Ellington, said he was working on his information for the newsletter and would get it to Chairperson Castiglione shortly.

At this time discussion began regarding the Tree Ordinance and what changes will be made.

At the end of the discussion it was concluded that Chairperson Castiglione would write up the changes and send to all Board members for their input. The final changes would be ready by the February 13 meeting, so that the Tree Board would be able to send it up to the Planning Committee for approval.

Meeting was adjourned at 11:47 am.

## Section 1114. Preservation of Trees, Shrubs and Vegetation

The purpose of the Zoning Ordinance is to meet the needs of the Town of Beech Mountain and its residents, by encouraging a healthy mix of young and mature trees and protecting the growth of the natural forest.

### 1114.01

All persons paid compensation to cut or trim trees in the Town of Beech Mountain must register annually on January 5, or the first Monday thereafter, in the office of the Beech Mountain Zoning Administrator. The registration shall consist of obtaining a copy of this Section, and by signature affirm that they will abide by the rules prescribed in this Section. Proof of liability and workers compensation insurance will also be required. No person shall be allowed to register unless all civil penalties owed to the Town have been paid in full.

### 1114.02

Each homeowner is solely responsible for trees cut on their property and must abide by this ordinance.

### 1114.03

No live trees measuring in excess of six (6) inches in diameter measured four (4) feet above the ground (at its highest point) may be cut down without the written approval of the Zoning Administrator. Both the property owner(s) or the property owner (s) designee and the person(s) contracted to cut trees shall sign the approval form. A person paid compensation to cut or trim trees shall show a contract with the property owner's signature before a permit to cut or trim trees is given. All trees to be cut or trimmed will be clearly marked and a photograph will be taken and presented to Zoning Administrator at the time a permit is requested. Approval shall be valid for ninety calendar days. A copy of the approval form shall be available on the property, in plain sight at all times, where trees are being cut. The Zoning Administrator may approve the cutting of trees in excess of six (6) inches in diameter measured four (4) feet above the ground (at its highest point) when:

- (a) said trees are within ten (10) feet of the main structure and its attachments being constructed on the building site; or
- (b) said trees are within five (5) feet of an approved septic tank or septic drain field; or
- (c) said trees are within five (5) feet of a driveway, parking area or walkway, the location of which has been approved by the Zoning Administrator; or
- (d) said trees pose a hazard to the property owner and/or other residents; or
- (e) the cutting of said trees promotes the growth and development of other trees on the lot, which will encourage a healthy mix of young and mature trees; or
- (f) said trees are diseased or damaged.

With regard to (a), (b) and (c) above, for new construction no trees shall be cut pursuant to these criteria until the owner is ready to begin construction as evidenced by the issuance of a Zoning Certificate Application. The contractor listed on the building permit is required to register as a tree cutter.

With regard to (c) above, all temporary service routes must be returned to their natural surroundings and not left as an unused driveway.

### 1114.04

On lots which may have a majority of trees under six (6) inches in diameter at ground level or lots which presently have a lack of natural vegetation, clear cutting is absolutely not allowed without the approval of the Zoning Administrator. Under no circumstances can more than fifty (50) percent of the natural vegetation, equally balanced across the entire lot, be cut regardless of the size or diameter of the vegetation, without the approval of the Zoning Administrator. The above criteria (a) through (f) will again be followed.

### 1114.05

A property owner shall only contract with persons who have proof of insurances and who are registered with the Town to shape, prune, trim, mulch and remove debris. All debris must be properly mulched or removed from property and disposed of in the appropriate manner. (is it stated somewhere what the "appropriate manner" is?)

#### 1114.06

Trees may be shaped, pruned or trimmed, but not topped, to the extent that it does not become detrimental to the health of the tree, and it does not change the natural form of its species.

Indiscriminate cutting, topping or trimming is prohibited. The natural shape of said trees, which is 20% of overall tree, must be kept intact.

(I do not understand what this 20% statement means.

There is an excellent Forest Service publication that explains how to prune trees.

[http://www.na.fs.fed.us/Spfo/pubs/howtos/ht\\_prune/prun001.htm](http://www.na.fs.fed.us/Spfo/pubs/howtos/ht_prune/prun001.htm)

I think it would be great if the Town purchased a supply of these booklets (\$4.00 each, discount if bought in bulk), and require every "tree cutter" registering with the town to either buy one from the Town or have one given to them by the Town. Concerning the 20% statement above, the booklet states that when pruning to raise the crown "Crown Raising" the cutter should never remove more than one third 1/3 of the crown of the tree.)

#### 1114.07

For new construction a \$5,000 deposit will be required. If trees must be taken down due to the nature of the building site, but said trees do not fall within requirements stated above, replacement trees must be planted. Replacement trees must be no less than fifteen (15) feet tall and have a diameter of no less than four (4) inches. A list of replacement trees is available from Zoning Administrator. (1. It may be impossible to find nursery grown trees 15 feet tall that are appropriate species for replacement on a given site. Perhaps you could say "Replacement trees must be no less than fifteen (15) tall and have a diameter of no less than four (4) inches, or a specimen tree of a size approved by the Zoning Administrator." 2. You do not state what number of replacement trees are required, i.e. one replacement for each cut/damaged tree? Often in a forest situation, trees grow very close by each other, for example a circle of five Basswoods in a five foot diameter ring.....but it would be impossible to plant that many nursery grown trees in that same area..... Perhaps you could say "One replacement tree will be planted for each damaged tree, or sufficient trees to replace the appearance of a natural forest stand, based on the recommendation of the Zoning Administrator") Any tree that is not marked for removal, but damaged during construction to the detriment of the tree will be held under this deposit. Property owners must be instructed that newly planted trees require care to insure survival, and must be mulched and watered for at least the first year after planting. If said replacement trees live and thrive to eighteen (18) months after Certificate of Occupancy is granted, based on an inspection by ....., deposit will be returned to property owner. (Who will inspect these trees to make sure they are alive and doing well?)

#### 1114.08

Any person registered pursuant to Section 1114.01 above who cuts, trims, shapes or prunes tree without authorization with the Town shall be subject to a civil penalty of \$100 pursuant to Chapter 10, Section 1-1 of the Beech Mountain Code of Ordinances and the loss of their registration privileges.

#### 1114.09

Any person required to register pursuant to Section 1114.01 above who cuts, trims, shapes or prunes tree without authorization with the Town shall be subject to a civil penalty of \$100 pursuant to Chapter 10, Section 1-1 of the Beech Mountain Code of Ordinances. Each day's continuing violation of this provision shall be a separate and distinct violation.

#### 1114.10

A property owner that does not follow the ordinance of Section 1114.01 is subject to a fine of \$500 per tree that is cut and/or damaged to the detriment of the tree.

(Finally, the Town will be placing a lot of responsibility on the Zoning Administrator. Could the Town provide for some supplemental training for him/her, such as requirement/encouragement to attend educational workshops and perhaps require that he/she study and obtain the "Certified Arborist" certificate? The International Society of Arboriculture has online and CD study programs, and it is not difficult or expensive to pass their test to become certified. I have helped teach this course, and passed the test myself) (web site <http://www.isa-arbor.com/certification/certification.aspx>)