

NOTICE - WHITEMARSH TOWNSHIP

NOTICE IS HEREBY GIVEN that the Whitemarsh Township Shade Tree Commission will hold a Zoom meeting on Tuesday, September 1, 2020 at 7:00 PM.

Due to the COVID 19 health pandemic, this meeting will be conducted remotely via ZOOM. The public may join this meeting by either telephone using the dial in number or visiting: <https://us02web.zoom.us/j/81008018684?pwd=bXNaN2d1OHhkU2hJMnVjczllcWtEdz09>
Additional information can be found on the Township's' website www.whitemarshtwp.org.

Public comment via email to Assistant Township Manager, shalbom@whitemarshtwp.org must be submitted one hour before the start of the meeting. Public comment will also be accepted via the ZOOM chat button during the meeting. In both cases you will need to provide your name and address for the record.

Persons with a disability who wish to participate in the public hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Whitemarsh Township at 484-594-2601.

WHITEMARSH TOWNSHIP
Sean Halbom, MPA
Assistant Township Manager

**WHITEMARSH TOWNSHIP SHADE TREE COMMISSION
MEETING OF SEPTEMBER 1, 2020 AT 7:00 PM**

ZIEGLER ____ D'AMORE ____ BORKOWSKI ____ FASSBENDER ____ TURENNE ____
BOS LIAISON, TOLL ____ STAFF LIAISON, HALBOM ____

CALL TO ORDER

ANNOUNCEMENTS

PLAN REVIEWS

6013 W. Valley Green Road: Permit # 2020-08: Installation of swimming pool at SFH.

OLD BUSINESS:

An update from the Commission Chair will be provided regarding the status of the Chapter 55 Ordinance revision process.

APPROVAL OF MINUTES

July 2020 Meeting Minutes

August 2020 Meeting Minutes

PUBLIC COMMENT PERIOD

BOARD MEMBER COMMENTS

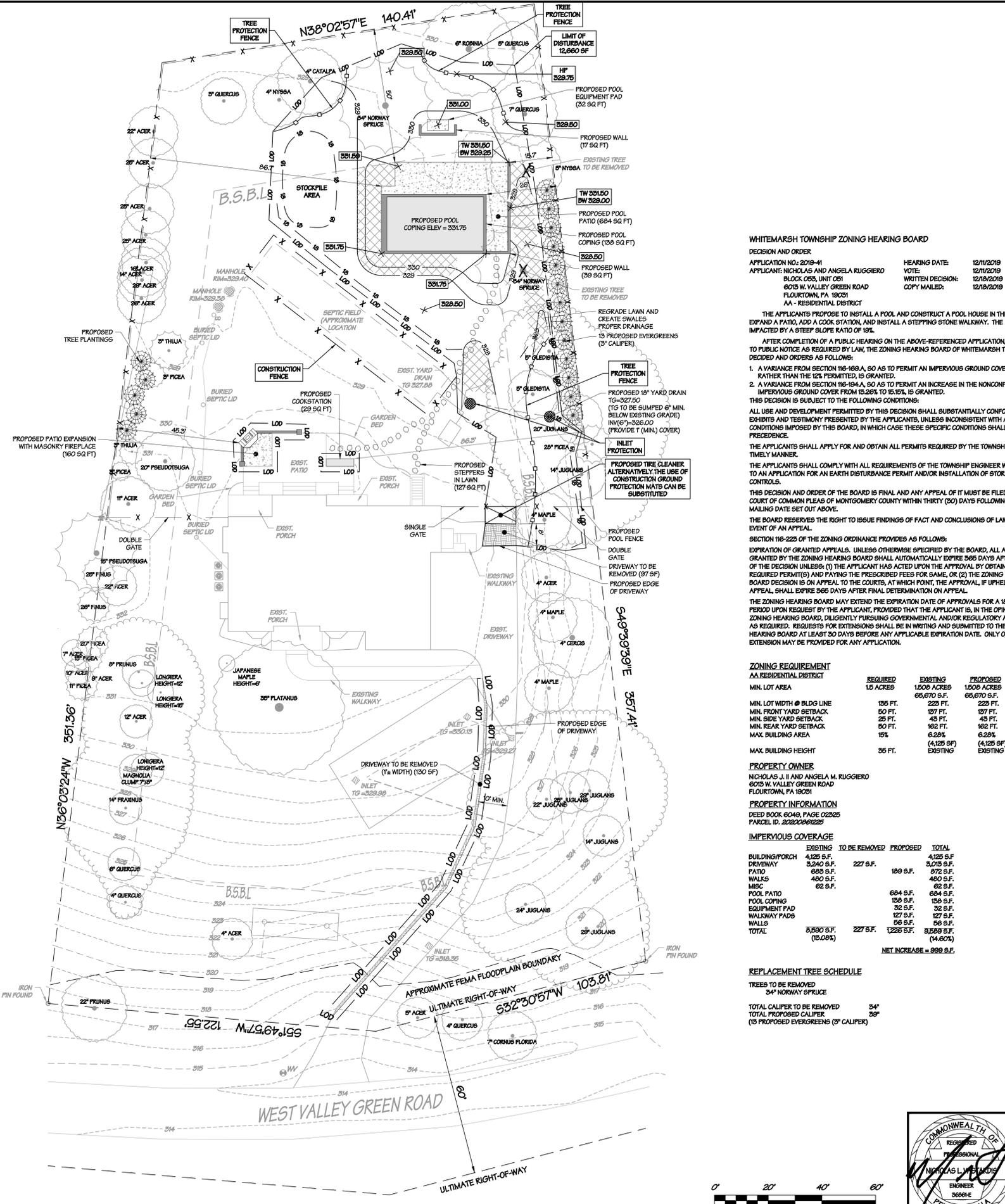
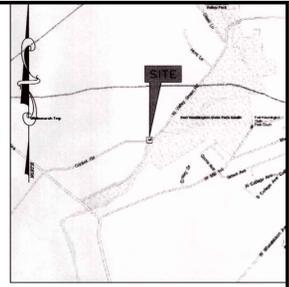
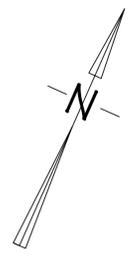
NEXT MEETING DATES:

March 3, 2020	April 7, 2020*	May 5, 2020*	June 2, 2020
July 7, 2020	August 4, 2020	September 1, 2020	October 6, 2020
November 3, 2020	December 1, 2020	*Cancelled due to Pandemic	

ADJOURNMENT

PUBLIC PARTICIPATION INFORMATION

1. Public meetings of the Shade Tree Commission shall follow a prescribed agenda, which will be available to the general in advance of the meeting.
2. If members of the public wish the Commission to address a specific item at a public meeting, a written request to the Staff Liaison shall be submitted by noon on Friday of the week before the meeting. The written request shall specify the item or items the individual desires to be addressed.
3. The Commission may consider other matters for the agenda as they see fit.
4. The Commission will entertain Public Comment at either the beginning of the meeting or prior to specific action items during the meeting, at the discretion of the Chair. Individuals must advise the Chair of their desire to offer such comment.
5. A Public Comment period will be provided at the conclusion of a meeting for input on any subject.
6. The Commission Chair shall preside over Public Comments and may within their discretion:
 - a. Recognize individuals wishing to offer comment.
 - b. Require identification of such persons.
 - c. Allocate total available Public Comment time among all individuals wishing to comment.
 - d. Allocate up to a five (5) minute maximum for each individual to offer Public Comment at a meeting, Township Staff shall time comments and shall announce, "one minute remaining" and "time expired" to the Chair.
 - e. Rule out of order scandalous, impertinent and redundant comment or any comment the discernible purpose of which is to disrupt or prevent the conduct of the business of the meeting including the questioning of, or polling of, or debating with, individual members of the Commission.



LEGEND

--- 10' ---	EXIST. 5' CONTOURS
--- 20' ---	EXIST. 1' CONTOURS
---	EXIST. BOUNDARY LINE
---	EXIST. RIGHT-OF-WAY
---	EXIST. BUILDING SETBACK LINE
---	EXIST. SANITARY SEWER
---	EXIST. SPOT ELEVATION
---	EXIST. DOOR SILL ELEVATION
---	EXIST. IRON PIN/PIPE
---	EXIST. CONCRETE MONUMENT
---	EXIST. SANITARY MANHOLE
---	EXIST. CLEANOUT
○	DECIDUOUS TREE
---	STANDARD (18" HIGH) SILT FENCE
---	LIMIT OF DISTURBANCE
X	PROP. CONSTRUCTION FENCE
○	TREE PROTECTION FENCE
○	INLET PROTECTION (18")
□	EROSION CONTROL BLANKET

WHITEMARSH TOWNSHIP ZONING HEARING BOARD
 DECISION AND ORDER
 APPLICATION NO.: 2018-41
 APPLICANT: NICHOLAS J. II AND ANGELA M. RUGGIERO
 BLOCK 025, UNIT 061
 6035 W. VALLEY GREEN ROAD
 FLOURTOWN, PA 19051
 AA - RESIDENTIAL DISTRICT

THE APPLICANTS PROPOSE TO INSTALL A POOL AND CONSTRUCT A POOL HOUSE IN THE REAR YARD, EXPAND A PATIO, ADD A COOK STATION, AND INSTALL A STEPPING STONE WALKWAY. THE LOT IS IMPACTED BY A STEEP SLOPE RATIO OF 18%.

AFTER COMPLETION OF A PUBLIC HEARING ON THE ABOVE-MENTIONED APPLICATION, PURSUANT TO PUBLIC NOTICE AS REQUIRED BY LAW, THE ZONING HEARING BOARD OF WHITEMARSH TOWNSHIP DECIDED AND ORDERED AS FOLLOWS:

- A VARIANCE FROM SECTION 116-189.A, 80 AS TO PERMIT AN IMPERVIOUS GROUND COVER OF 15.15%, RATHER THAN THE 12% PERMITTED, IS GRANTED.
- A VARIANCE FROM SECTION 116-184.A, 80 AS TO PERMIT AN INCREASE IN THE NONCONFORMING IMPERVIOUS GROUND COVER FROM 15.26% TO 15.15%, IS GRANTED.

ALL USE AND DEVELOPMENT PERMITTED BY THIS DECISION SHALL SUBSTANTIALLY CONFORM TO THE EXHIBITS AND TESTIMONY PRESENTED BY THE APPLICANTS, UNLESS INCONSISTENT WITH ANY SPECIFIC CONDITIONS IMPOSED BY THIS BOARD, IN WHICH CASE THESE SPECIFIC CONDITIONS SHALL TAKE PRECEDENCE.

THE APPLICANTS SHALL APPLY FOR AND OBTAIN ALL PERMITS REQUIRED BY THE TOWNSHIP CODES IN A TIMELY MANNER.

THE APPLICANTS SHALL COMPLY WITH ALL REQUIREMENTS OF THE TOWNSHIP ENGINEER WITH REGARD TO AN APPLICATION FOR AN EARTH DISTURBANCE PERMIT AND/OR INSTALLATION OF STORMWATER CONTROLS.

THIS DECISION AND ORDER OF THE BOARD IS FINAL AND ANY APPEAL OF IT MUST BE FILED WITH THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY WITHIN THIRTY (30) DAYS FOLLOWING THE COPY MAILING DATE SET OUT ABOVE.

THE BOARD RESERVES THE RIGHT TO ISSUE FINDINGS OF FACT AND CONCLUSIONS OF LAW IN THE EVENT OF AN APPEAL.

ZONING REQUIREMENT
 AA RESIDENTIAL DISTRICT

REQUIRED	EXISTING	PROPOSED
MIN. LOT AREA	15 ACRES	1508 ACRES
MIN. LOT WIDTH @ BLDG. LINE	135 FT.	225 FT.
MIN. FRONT YARD SETBACK	50 FT.	137 FT.
MIN. SIDE YARD SETBACK	25 FT.	45 FT.
MIN. REAR YARD SETBACK	50 FT.	162 FT.
MAX. BUILDING AREA	15%	6.25% (4,125 SF)
MAX. BUILDING HEIGHT	35 FT.	EXISTING

PROPERTY OWNER
 NICHOLAS J. II AND ANGELA M. RUGGIERO
 6035 W. VALLEY GREEN ROAD
 FLOURTOWN, PA 19051

PROPERTY INFORMATION
 DEED BOOK 8040, PAGE 02325
 PARCEL ID. 20222901225

IMPERVIOUS COVERAGE

EXISTING	TO BE REMOVED	PROPOSED	TOTAL
4,125 S.F.			4,125 S.F.
DRIVEWAY	3,240 S.F.	3,070 S.F.	3,070 S.F.
PATIO	600 S.F.	100 S.F.	672 S.F.
WALKS	480 S.F.		480 S.F.
MISC.	62 S.F.		62 S.F.
POOL PATIO		684 S.F.	684 S.F.
POOL COPING		130 S.F.	130 S.F.
EQUIPMENT PAD		32 S.F.	32 S.F.
WALKWAY PADS		127 S.F.	127 S.F.
WALLS		56 S.F.	56 S.F.
TOTAL	3,580 S.F. (15.08%)	227 S.F.	3,807 S.F. (14.60%)

NET INCREASE = 989 S.F.

REPLACEMENT TREE SCHEDULE

TREES TO BE REMOVED
 24" NORWAY SPRUCE
 TOTAL CALIPER TO BE REMOVED 34"
 TOTAL PROPOSED CALIPER (13 PROPOSED EVERGREENS @ 2" CALIPER) 39"

- GENERAL NOTES**
- PHYSICAL FEATURES SHOWN HEREON OBTAINED BY A FIELD SURVEY COMPLETED BY JOHNSON SURVEYING SERVICES, INC. IN OCTOBER 2018 WITH SUPPLEMENTAL TOPOGRAPHY BY GASPER LANDSCAPES IN NOVEMBER 2018.
 - THE LOCATIONS OF UNDERGROUND UTILITIES HAVE BEEN SHOWN BASED ON REFERENCE PLANS AND SURFACE OBSERVATION. VASTARDIS CONSULTING ENGINEERS, LLC (VCELLC) MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA EITHER IN SERVICE OR ABANDONED. VCELLC DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION THEREFORE, VCELLC SHALL NOT BE RESPONSIBLE OR HELD LIABLE FOR ANY UTILITY NOT SHOWN OR SHOWN ON THE DRAWINGS IN A LOCATION OTHER THAN WHERE IT IS ACTUALLY DISCOVERED UPON EXCAVATION. VCELLC HAS NOT PHYSICALLY EXCAVATED AND LOCATED ANY UNDERGROUND LINES.
 - CONTRACTOR TO ENSURE AND MAINTAIN, OR DEEPS THAT REACHES THIS OR ANY ADJOINING ROAD AS A RESULT OF THIS CONSTRUCTION BE REMOVED IMMEDIATELY. SHOULD THIS BE INEFFECTIVE, A STABILIZED CONSTRUCTION.
 - THE APPLICANT IS PROPOSING TO CONSTRUCT A POOL, PATIO AND EXISTING PATIO IMPROVEMENTS.
 - ALL TOPSOIL SHALL REMAIN ON-SITE.
 - GRADING AND EARTHMOVING OPERATIONS SHALL BE MINIMIZED DURING THE PERIOD FROM NOVEMBER 15 TO APRIL 1 WHEN RE-VEGETATION OF EXPOSED GROUND SURFACE IS DIFFICULT.
 - MULCH, STRAW, STONE AND/OR SOIL SHALL BE USED TO STABILIZE ALL AREAS DENuded DURING THIS TIME PERIOD.
 - THE MAXIMUM TIME OF EXPOSURE FOR BARE SOIL AREAS SHALL BE TWENTY (20) DAYS BEFORE STABILIZATION MEASURES ARE IMPLEMENTED.
 - FEMA FLOODPLAIN BOUNDARIES WITHIN THE PROJECT AREA ARE SHOWN PER FEMA MAP NUMBER 4209C0206G, DATED MARCH 2, 2016.
 - THERE ARE NO WETLANDS WITHIN THE PROJECT AREA PER THE U.S. FISH AND WILDLIFE SERVICE NATIONAL WETLANDS INVENTORY.
 - THE ENTIRE PROJECT AREA IS COMPRISED OF DUFFIELD SILT LOAM SOILS (DUIS).
 - THE PROJECT AREA IS LOCATED WITHIN THE LOWER SCHUYLKILL RIVER WATERSHED AND DRAINS TO THE MISSAHOCKEN CREEK WHICH IS CLASSIFIED TSP (TROUT STOCKING FISHES), MF (MIGRATORY FISHES) BY PA CODE CHAPTER 93.
 - THE LIMIT OF DISTURBANCE IS 12,660 S.F.
 - ALL DOORS WITH DIRECT ACCESS TO THE POOL THROUGH THE WALL SHALL BE EQUIPPED WITH AN ALARM WHICH PRODUCES AUDIBLE WARNING WHEN THE DOOR AND ITS SCREEN, IF PRESENT, ARE OPENED.
 - A MINIMUM 4 FT. HIGH FENCE IS EXISTING WHICH SHALL CONFORM TO WHITEMARSH TOWNSHIP REQUIREMENTS. GATES SHALL OPEN OUTWARDS AWAY FROM THE POOL. ALL GATES SHALL BE SELF-CLOSING AND SELF-LATCHING, WHERE THE RELEASE MECHANISM OF THE SELF-LATCHING DEVICE IS LOCATED LESS THAN 54 INCHES FROM THE BOTTOM OF THE GATE. (A) THE RELEASE MECHANISM SHALL BE LOCATED ON THE POOL SIDE OF THE GATE AT LEAST THREE (3) INCHES BELOW THE TOP OF THE GATE, AND (B) THE GATE AND BARRIER SHALL NOT HAVE AN OPENING GREATER THAN 1/2 INCH WITHIN 18 INCHES OF THE RELEASE MECHANISM.
 - THE FENCE AND ALARM (IF APPLICABLE) MUST BE INSTALLED PRIOR TO THE POOL, SPA, ETC BEING FILLED WITH WATER. AN INSPECTOR FROM WHITEMARSH TOWNSHIP'S BUILDING DEPARTMENT MUST APPROVE THE INSTALLATION OF THE FENCE AND ALARM.
 - THE PROPOSED FENCE SURROUNDING THE POOL WILL BE CONSTRUCTED IN ACCORDANCE WITH APPLICABLE BUILDING CODE REQUIREMENTS.
 - STORMWATER FACILITIES SHALL BE OWNED AND MAINTAINED BY THE PROPERTY OWNER IN PERPETUITY. THE PROPERTY OWNER SHALL PROVIDE A BLANKET STORMWATER ACCESS EASEMENT TO THE TOWNSHIP FOR THE PURPOSE OF ACCESS TO THE STORMWATER FACILITIES, IF IN THE JUDGMENT OF THE TOWNSHIP ENGINEER, THE OWNER HAS FAILED TO MAINTAIN THE STORMWATER FACILITIES IN SUCH A MANNER AS TO ENSURE THEIR PROPER FUNCTIONING. THE TOWNSHIP AFTER PROVIDING A WRITTEN NOTICE, SHALL HAVE THE RIGHT TO ENTER UPON THE LANDS OF THE OWNER AND TO MAKE ANY REPAIRS AS MAY BE NECESSARY TO THE STORMWATER FACILITIES TO ENSURE THAT SUCH FACILITIES FUNCTION AND PERFORM IN ACCORDANCE WITH THE DESIGN SPECIFICATIONS. ANY AND ALL COSTS INCURRED BY THE TOWNSHIP FOR SUCH REPAIRS AND/OR MAINTENANCE SHALL BE PAID IN FULL BY THE OWNER. A LIEB OR LENS MAY BE PLACED AGAINST THE PROPERTY IF THE OWNER FAILS TO REMIT PAYMENT WITHIN SIXTY (60) DAYS.
 - THE PERMIT HOLDER WILL NOTIFY THE TOWNSHIP ENGINEER IN ORDER TO OBTAIN INSPECTIONS AT LEAST 48 HOURS BEFORE THE INSPECTION IS TO BE MADE FOR INITIAL INSPECTION, ROUGH GRADING, DRAINAGE FACILITIES, BARS, SPECIAL STRUCTURES AND FINAL INSPECTION.
 - UNDER NO CIRCUMSTANCES SHALL CHLORINATED SWIMMING POOL DISCHARGE BE DIRECTED TO A STREAM OR TO A PIPING SYSTEM THAT DISCHARGES TO A STREAM.
 - PROTECTIVE FENCING SHALL BE PLACED AROUND TREES ON THE PROPERTY PRIOR TO CONSTRUCTION.
 - A PRE-CONSTRUCTION CONFERENCE WITH THE TOWNSHIP SHADE TREE COMMISSION IS REQUIRED PRIOR TO THE START OF CONSTRUCTION.
 - THE PERMANENT REMOVAL OF TOPSOIL FROM LAND WITHIN WHITEMARSH TOWNSHIP IS PROHIBITED.



BEFORE YOU DO ANYWHERE IN PENNSYLVANIA CALL 1-800-541-7775 NON-EMERGENCIES MUST BE CONTACTED DIRECTLY. PA ACT 172 (1984) REQUIRES THESE WORKING DAYS NOTICE TO UTILITIES BEFORE YOU EXCAVATE, DRILL, BLAST OR DEMOLISH.

OSHA REGULATORY SPECIAL EXCAVATION REQUIREMENTS (A) PRIOR TO EXCAVATING AN INDIVIDUAL, EMPLOYER SHALL BE MADE TO DETERMINE WHETHER EXISTING UTILITIES ARE LOCATED. (B) ALL EXCAVATIONS, AND IF ALL, SHALL BE CONDUCTED IN ACCORDANCE WITH ALL APPLICABLE REGULATIONS. (C) THE EXCAVATION LOCATION SHALL BE IDENTIFIED AND MARKED BY AN EXCAVATION. (D) THE EXCAVATION SUPPORT SHALL BE PROVIDED FOR THE EXCAVATION. (E) THE EXCAVATION SHALL BE MADE IN ACCORDANCE WITH THE EXCAVATION PLAN.

OUTSIDE PENNA. OR IN THE PITTSBURGH AREA WE CAN ALSO BE REACHED AT 412-562-7100

PA ONE CALL
 SERIAL NO. 20200861225
 TAX PARCEL ID. FOLIO #51-00-00679-00-B



2	8/12/2020	REVISED PER TOWNSHIP ENGINEER REVIEW LETTER DATED AUGUST 4, 2020	DRAWN BY	SOVI
1	7/16/2020	REVISED PER TOWNSHIP ENGINEER REVIEW LETTER DATED JUNE 26, 2020 AND TOWNSHIP ZONING OFFICER REVIEW LETTER DATED JULY 1, 2020	CHECKED BY	NY
NUM.	DATE	REVISION	DATE	5/8/2020
 VASTARDIS CONSULTING ENGINEERS, LLC 29 Harvey Lane Malvern, PA 19355 Ph: 610.644.9663 Fx: 610.644.3789 Email: vcellc@verizon.net PLAN PREPARED FOR:			SCALE	1"=20'
			NICHOLAS J. II AND ANGELA M. RUGGIERO 6013 W. VALLEY GREEN ROAD WHITEMARSH TOWNSHIP MONTGOMERY COUNTY PENNSYLVANIA	

6103 W VALLEY GREEN

To: Sean Halbom, MPA, Assistant Township Manager - Whitmarsh Township

From: John Hosbach, Consulting Arborist

Date: August 21, 2020

Reference: Site review

Dear Sean,

Pursuant to my review, the applicant is only removing (1) 34" evergreen tree and replacing it with (13) 3" caliper trees which are evergreen as well. The tree protection is adequate.

Since only one tree evergreen is being removed and the objective is screening, I believe the use of evergreens as the replacement is sufficient.

No other issues or concerns were observed.

Please call with any questions.



John Rockwell Hosbach Jr., Urban Forester
Registered Consulting Arborist #483, ISA Certified Arborist PD-0372
ISA Tree Risk Assessment Qualified, ASCA Qualified Tree and Plant Appraiser

WHITEMARSH TOWNSHIP

To: Steve Ziegler, Chair, Shade Tree Commission; Jacy Toll, Board Liaison, Board of Supervisors

From: SEAN HALBOM, ASST. TOWNSHIP MANAGER

Subject: **Meetings Minutes: Joint Shade Tree/Planning Commission Meetings on 2.4.2020 and 2.20.2020**

Date: August 27, 2020

cc: **Robert Dambman, Chair, Planning Commission**
Rick Mellor, Township Manager
Charles Guttenplan, AICP, Director, Planning and Zoning Department
John Hosbach, Township Arborist

Meeting/s Agenda - Specific touchpoints between the Chapter 55 and Chapter 105 ordinances include:

- 1) Section 105-5: Definitions
- 2) Sections 105-20 & 105-21: Sketch Plans and Preliminary Plan Requirements
**Since this meeting took place, the Board of Supervisors has instructed the Township Arborist to attend pre-construction meetings along with the Township Engineer.*
- 3) Sections 105-56-1: Additional Signage Standards (VC-1 and VC-2 Village Commercial District)
- 4) Section 105-83: Planting (D – Tree Preservation, Protection, and Replacement)
- 5) Section 105-83: Planting (E – Tree Removal Authorization)

Joint Meeting: February 4, 2020

A public meeting was held which included the following individuals:

Vincent Manuele, Board of Supervisors liaison to Planning Commission
Jacy Toll, Board of Supervisors liaison to Shade Tree Commission
Robert Dambman, Chair, Planning Commission
Patrick Doran, Vice-Chair, Planning Commission
Scott Quitel, Planning Commission
David Shula, Planning Commission
Peter Cornog, Planning Commission
Sherri Glantz Patchen, Planning Commission
Steve Zeigler, Chair, Shade Tree Commission
Christian Fassbender, Shade Tree Commission
Natalie Borkowski, Shade Tree Commission

Patrice Turenne, Shade Tree Commission
David Sander, Township Solicitor
Jim Hersh, Township Engineer
John Hosbach, Township Arborist
Charlie Guttenplan, Director of Planning/Zoning
Sean Halbom, Assistant Township Manager

The meeting began with introductions, and the discussion of Section 105-5, Definitions. The joint commissions agreed the following definitions need to be revisited:

- Hedgerow
- Shade Tree
- Tree
- Approved Preserved Tree (Appears only in Chapters 55-4B-1/4/5)
- Approved vs. Recommended
- Woodland (to replace forest)

It was proposed that definitions could be referenced to either the International Society of Arboriculture or the Society of American Foresters. Several definitions were discussed for sake of alignment between Chapters 105 and 55. The Township solicitor explained that in cases where two definitions exist within a Township's code, the definition most beneficial to the applicant must be applied.

The commissions discussed definitions such as "heritage tree," "diameter at breast height," and "caliper" as they apply to plans and replacement schedules. This discussion was placed in the "parking lot" since it was most applicable to a later portion of the agenda. Mr. Cornog offered that the power to recommend should be made clear in the ordinance so that applicants know what decisions are recommendations to the Board of Supervisors and which decisions are within the scope of these commissions. The commissions voiced a preference for the language used in Chapter 105. Several definitions that were materially the same, but worded slightly differently were discussed. Both commissions agreed to make the definitions uniform, to the extent possible, when these ordinances are updated. The commission also discussed using the same word instead of synonyms throughout the ordinance; specifically, the word "site" was deemed favorable to "property" or "lot." Legal representatives for the Township and commissions agreed that "site" would not need to be defined.

Public Comment was offered by:

Steve Kaufman – Offered that, if scientific definitions are used, they can be further narrowed. He asked if it would be possible to include the various Shade Tree plans in conditional use applications. He advocated for the condition of trees to be included in the plans. He asked if grading information is included in shade tree plans.

Sydell Zove – Expressed concern about underreporting of tree removal during projects that do not require permitting. Believes objective elements of the ordinance are necessary when dealing with aggressive developers.

Debra Harris – Shared that she favors the International Society of Arboriculture’s definition of “tree.” She would like to see heritage tree’s definition changed to 30” DBH and “street tree” to be defined.

Linda Doll – Expressed gratitude for the members of both commissions taking the time to meet jointly.

Patrick Duran motioned for adjournment, the motion was seconded by Christain Fassbender. The motion passed unanimously.

Joint Meeting II: February 20, 2020 Meeting

This meeting included the following individuals:

Vincent Manuele, Board of Supervisors liaison to Planning Commission

Jacy Toll, Board of Supervisors liaison to Shade Tree Commission

Robert Dambman, Chair, Planning Commission

Patrick Doran, Vice-Chair, Planning Commission

Steve Zeigler, Chair, Shade Tree Commission

David D’Amore, Vice-Chair, Shade Tree Commission

David Sander, Township Solicitor

Jim Hersh, Township Engineer

John Hosbach, Township Arborist

Charlie Guttenplan, Director of Planning/Zoning

Sean Halbom, Assistant Township Manager

Meeting Minutes: 2/20/2020

Recap of 2/4 meeting: This meeting began with a recap of our February 4th meeting, and starting in the “parking lot” area finalizing definitions:

Mr. Guttenplan offered that definitions should not have parameters. The group discussed the need for measurements to be included in definitions.

The following terms and words were discussed and the definitions below proposed:

Hedgerow – simplify this definition, but preservation and protection is not necessary to protect them. We are using the Society of American Foresters. We may remove entirely from Chapter 55. If standards for hedgerows are added to 105, this could be cross-referenced.

A vegetated strip of at least five feet width comprised of native trees, shrubs, grasses, or groundcover designed to buffer adjacent land uses and benefit native wildlife.

Shade Tree – *A tree planted, managed, or preserved chiefly to provide shade and cooling benefits having one dominant trunk.*

Street Tree – *A shade tree located as otherwise required by this chapter.* (This definition should be omitted from the Chapter 55 ordinance.)

Tree – *A woody perennial usually having one dominant trunk and a mature height greater than 16 feet.*

Woodland – *Any area, grove or stand of woody plants, evergreen or deciduous, covering 10,000 square feet of foliage area or greater, dominated by twenty-foot tall or six-inch DBH or greater with crowns that interlock to form a sixty-percent to one-hundred-percent closed canopy. All portions of the contiguous canopy area and layered vegetation beneath it shall be woodland whether located on a single lot or portions of other lots. For the purposes of this chapter, the extent of any woodland plant community or any part thereof shall be measured from the outer-most dripline of all the trees in the community. Woodlands shall include any area where timber has been harvested within the previous five years and/or woodland disturbance has occurred within the previous five years, which would have met the definition of woodland prior to timbering or disturbance.*

Purpose 55-1 - The language below reflects the changes discussed by the members present at the February 20, 2020 joint meeting:

Trees improve air and water quality, reduce soil erosion, noise and glare, provide habitat for desirable wildlife, moderate the climate and enhance community image and property values. Therefore, the purpose of these regulations is to encourage the protection of trees **through best management practices**. Therefore, the goals of this chapter are to:

A.

Preserve, protect, and maintain existing trees in Whitemarsh Township and to increase the overall tree canopy and understory on both public and private lands therein.

B.

Ensure that all applications for earth disturbance permits, demolition permits, building permits, subdivisions, land development or zoning changes shall respect existing trees. As such, impervious areas should be laid out in a manner so as to preserve the healthy trees on the site whenever possible.

C.

To preserve and protect all heritage trees as defined herein.

D.

To ensure that no trees are destroyed on any property scheduled for development within five years prior to the submission of an application for earth disturbance permit, grading permit, demolition permit, building permit, subdivision, land development or zoning change application.

D.

To strictly prohibit any clear cutting of trees.

E.

To encourage the preservation and planting of native species.

F.

(A statement addressing climate change)

[Added 1-23-2014 by Ord. No. 933]

55-4-a (1-7)

- 1) Discussed on 2.4
- 2) Discussed on 2.4
- 3) The tree plan shall denote each tree to **remain**, be **removed**, or to be **relocated** on the site. **This shall include without limitation dead, dying, diseased, and risk-related trees.** The tree survey plan shall also denote the location of tree protection fences for each tree indicated **to remain** and the proposed tree replacement schedule.
- 4) The tree survey plan shall be reviewed by the Shade Tree Commission at a public meeting.
- 5) ~~Subject to the recommendation of the Shade Tree Commission~~ The number of trees to be replaced shall be calculated using the guidelines listed in this chapter **and shall be set forth on the tree survey plan.**
- 6) Any tree **removed** within five years prior to the submission of any application shall be shown on the tree survey plan as a “removed tree” and shall be replaced in accordance with this chapter.
- 7) Heritage trees and boundary trees shall be individually noted on the tree survey plan.

55-4-B 1-6

- 1) Protective Fencing. Every application subject to this chapter shall be prepared in such a manner to preserve the healthy trees and shrubs on the site. Prior to the preconstruction conference with the Shade Tree Commission’s designee, protective fencing shall be placed around **all trees designated to remain in order to minimize damage to root systems.** The **protective** fencing shall be **placed around the root protection zone.** The fencing shall be orange, at least four feet high and staked with posts every five feet on center. Nothing shall be stored, stockpiled, temporarily placed, or allowed in the root protection zone. **The** fence **shall** be installed prior to any work conducted; e.g, excavation, grading, trenching (especially silt fence), cleaning, etc. No fuel storage, refueling, or maintenance of equipment, or wash down of cement handling equipment shall be permitted within **50 feet** of any tree **designated to remain.** Any observed damage to the trees shall be immediately reported to the Township and remedied as soon as is practical. At the discretion of the Shade Tree Commission, approved preserved trees that have not been adequately protected or damaged may be required to be removed and replaced at the expense of the applicant. **Two foot by two-foot signs stating, “TREE PRESERVATION AREA” shall be posted on the protective fencing at no more than 50-foot intervals.**
- 2) Is fine as-is.

- 3) After the preconstruction conference, the Shade Tree Commission's designee shall notify the Township of its findings in writing. Upon approval of the tree protection measures by the Township, demolition, earth disturbance, grading and construction may proceed, provided that all pertinent permits have been issued secured.

The February 20, 2020 Joint Meeting ended at 8:45PM. A third meeting will be required to complete the agenda items. That meeting date and time is TBD.

**WHITEMARSH TOWNSHIP SHADE TREE COMMISSION
MEETING MINUTES OF JULY 7, 2020 AT 7:00 PM**

ZIEGLER X D'AMORE X BORKOWSKI FASSBENDER X TURENNE

BOS LIAISON, TOLL X STAFF LIAISON, HALBOM X

CALL TO ORDER

ANNOUNCEMENTS

PLAN REVIEWS

UPDATE: The Knolls at Whitemarsh: 505 A Germantown Pike – See attached Arborist Memo.

Eli Glick offered public comment and shared photographs taken of the Knolls at Whitemarsh. Mr. Glick advocated for more stringent enforcement of tree protections.

The Shade Tree Commission discussed the site inspection process with staff and plans for future inspections.

Steve Kaughman asked what would happen if damaged trees died in the future, following development. He offered that such protections should be added to the revised ordinance.

Sydelle Zove offered that plans being reviewed for any project should include the anticipated location of stored materials, and paths for heavy equipment. Ms. Zove suggested the substitute one-inch whips have their warranty extended by the length of time it would take them to grow to a three-inch DBH size.

Linda Doll shared that developers often deviate from approved plans, and ask forgiveness after the fact. She asks that penalties be made more severe to deter such behavior.

Tam Paulits offered comment about the tree protection fence and what she agrees is a deviation from the approved plans.

Steve Ziegler made a motion that the tree protection fencing is inadequate and improperly installed and that the Township Arborist should compare the original plans to the existing site, Christian Fassbender seconded the motion, the motion passed 4-0.

901 Washington Street – SLD# 05-14 – Townhomes: Sarah Peck presented on behalf of the applicant and shared photos and plans for the site. A total of 27 trees exist on the property, 21 of which will be removed due to disease.

Steve Ziegler offered public comment and asked if there was any opportunity to plant additional shade trees to these plans.

Tam Paulits commented on the size of some of the replacement trees in the plans and request larger shade trees be substituted.

All waivers requested by the applicant's for 901 Washington were approved. However, these waivers are subject to the following conditions:

55-4-B6(a) – Replacement with 3-1” whips in lieu of every required 3” replacement tree. This approval is subject to the applicant insuring those whips for 4-years as opposed to the 18 months in our ordinance. This is to ensure the whips are insured until they reach the 3” caliper size.

Steve Ziegler made a motion to grant this waiver request, Christian Fassbender seconded the motion, the motion passed 4-0.

55-4-B6(f)1 – Maximum 30% replacement trees replaced by flowering or evergreen trees. Approved provided the species of flowering and evergreen trees are the species listed on the plans is adhered to.

Steve Ziegler made a motion to grant this waiver request, Christian Fassbender seconded the motion, the motion passed 4-0.

55-4-B6(f)2 – Maximum 20% replacement with shrubs. Waiver approved for use of 43% shrubs, provided the species of shrubs are the species listed on the plans.

Christian made a motion to grant this waiver request, Patrice Turenne seconded the motion, the motion passed 4-0.

55-3-D – removal of 50% or more trees from any single lot. This was approved by the STC because close to 75% of the trees on site were dead or diseased.

Steve Ziegler made a motion to grant this waiver request, Christian Fassbender seconded the motion, the motion passed 4-0.

105.39.A – Parking lot trees – Permit flowering trees in lieu of Shade Trees at proportions of 1.5 for every 1, provided replacement species are the species listed on the plans. **The plans were modified to substitute Rotundiloba Sweetgum as replacement for the columnar variety.**

Steve Ziegler made a motion to grant this waiver request, Patrice Turenne seconded the motion, the motion passed 4-0.

105.52.A – Partial Waiver Granted – the STC requires an additional 10 evergreen trees on the Northern Buffer, each between 8-10 feet in height. STC also requires 18 evergreen shrubs to be planted on Northern Buffer, each between **24”-36.”**

Steve Ziegler made a motion to grant this partial waiver, subject to the above modifications along the Northern Buffer, Christian Fassbender seconded the motion, the motion passed 4-0.

Prior to moving on from this discussion, the commission reiterated that these waivers are subject to the extended warranty period of 4-years on the one-inch whips. The commission also wished a speedy recovery to her colleague who was absent from this meeting due to a sudden injury.

APPROVAL OF MINUTES

June 2, 2020 Meeting Minutes

A motion was made by Christian Fassbender to accept the June minutes, Natalie Borkowski seconded the motion. The motion passed 4-0.

PUBLIC COMMENT PERIOD

Debra Harris asked a question about the regulation of Heritage trees and whether or not the ordinance requires care for heritage trees.

Tam Paulits offered comment about the chapter 55 ordinance (section 55-3-D) and dead and diseased trees' ecological contributions. She advocated this be considered when we re-write the ordinance. She lobbied for preservation of large canopy trees above replacement trees. Sydelle Zove offered that developers commonly say they do not have enough room to landscape in accordance with the code, and therefore request waivers. She advocated for development to be designed around the existing landscapes to protect and preserve the ecosystem.

Steve Kaughman commented on the 50% rule (Chapter 55-3-D) and pointed out that the existing language does not exclude dead or diseased trees. He stated that waiver requests should require a hardship.

BOARD MEMBER COMMENTS

There was no board member comment.

NEXT MEETING DATES:

March 3, 2020	April 7, 2020*	May 5, 2020*	June 2, 2020
July 7, 2020	August 4, 2020	September 1, 2020	October 6, 2020
November 3, 2020	December 1, 2020	*Cancelled due to Pandemic	

ADJOURNMENT

Christian Fassbender motioned for adjournment, Patrice Turenne seconded. The motion passed 4-0.

PUBLIC PARTICIPATION INFORMATION

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3. The Commission may consider other matters for the agenda as they see fit.
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5. A Public Comment period will be provided at the conclusion of a meeting for input on any subject.
6. The Commission Chair shall preside over Public Comments and may within their discretion:
 - a. Recognize individuals wishing to offer comment.
 - b. Require identification of such persons.
 - c. Allocate total available Public Comment time among all individuals wishing to comment.
 - d. Allocate up to a five (5) minute maximum for each individual to offer Public Comment at a meeting, Township Staff shall time comments and shall announce, "one minute remaining" and "time expired" to the Chair.
 - e. Rule out of order scandalous, impertinent and redundant comment or any comment the discernible purpose of which is to disrupt or prevent the conduct of the business of the meeting including the questioning of, or polling of, or debating with, individual members of the Commission.

**WHITEMARSH TOWNSHIP SHADE TREE COMMISSION
MEETING OF AUGUST 4, 2020 AT 7:00 PM**

ZIEGLER ___ D'AMORE ___X___ BORKOWSKI ___ FASSBENDER ___X___ TURENNE ___X___
BOS LIAISON, TOLL ___X___ STAFF LIAISON, HALBOM ___X___

MINUTES

CALL TO ORDER

ANNOUNCEMENTS

PLAN REVIEWS

Longfield Farms – SLD # 02-19 – Townhome Development.

Rick Collier, Dave Cavanaugh, and Bob Irick presented on behalf of the applicant. The Landscape Plans and Tree Replacement Plans were displayed along with a PowerPoint slideshow. Mr. Collier stressed the importance of the new landscape plan's focus on code compliance with diverse and high quality habitat, and appropriate use of layered, native planting.

The presented plans request replacement of 330 trees (165 shade trees replaced inch-for-inch, 189 ornamental or evergreen species at a two-to-one inch ratio (meaning, two evergreen or ornamental trees equate to one replacement tree), and 396 shrubs at a six-to-one replacement ratio. The replacement species account for 50% of the replacement obligation (30% evergreen/ornamental, and 20% shrub).

Mr. Collier pointed to areas on the plans where specific actions were taken to preserve natural features such as a hedgerow toward the bottom of the plans, and a heritage tree located on site. In total, 362 trees are on site, 85 of which are in poor condition or are dead. There are 54 trees that are identified for removal. The numbers were reviewed and confirmed by the Township Arborist.

Mr. Collier concluded by explaining the obligation placed on the applicant to preserve open space. That obligation prevents them from planting trees in specific areas.

Mr. D'Amore asked the Arborist to confirm the 85 trees are indeed dead, and should not be included in the count. Mr. Hosbach verified that he and a colleague visited the site on three occasions; once with the applicant, and two additional times to verify the information. The Arborist's findings are provided in detail in a memorandum included in this meeting agenda packet. In total, 38% of the trees on site are being removed (including dead trees).

Mr. Fassbender asked Mr. Hosbach to address the replacement substitute numbers, and if that request was reasonable. He replied that the layering system with canopy trees and ornamental trees mixed together was making the most use of the space they have to plant. He reminded the commission of the applicant's obligation to preserve some open space, which limits the planting areas.

Ms. Turenne asked for verification that tree protection fencing would be installed. Mr. Halbom replied that the Township Arborist is now being included in pre-construction meetings along with the Township Arborist to verify TPF (normally displayed on grading plans) is adequate per our code. Ms. Turenne also asked about the maintenance obligations and whether or not the proposed species are

hearty enough to survive. Mr. Hosbach confirmed the species pallet are relatively low-maintenance, but that all trees require some level of maintained. Mr. Collier also offered that special care was taken to ensure that the species proposed are appropriate given their size when fully-grown.

Public Comment:

Steve Kaufman offered that the plans have improved since the applicant's presentation before the Planning Commission. He asked why the number of replacement trees has dropped since the last application. Mr. Collier replied that the plans have modified to keep more trees on site by moving buildings and pipes. Mr. Kaufman rejected the applicant's claim that the plans are compliant because the chapter 55 ordinance requires STC approval for substitution species.

Eli Glick expressed concern about the approved plans being ignored by the applicant's contractors. Mr. Glick hopes that the protection fencing will be installed before any construction begins, and that the fences will stay in place for the duration of the project.

Debra Harris offered that she was pleased with the plans and thought the idea for open space in that community is very important for the future residents.

Linda Doll asked about the replacement species substitutions, and expressed concern about half of the replacement species not being canopy trees. She stressed the ecological importance of trees, and believes that substitution species do not provide equal storm water management to canopy trees.

Tam Paulits complimented the plant list, but agreed with Ms. Doll that twice as many flowering and evergreen trees are not an equal substitute for a canopy tree. She reminded the audience that the purpose of the chapter 55 ordinance is to preserve the Township canopy. She does not believe a hardship exists to justify granting the substitution request, and suggested the applicant be asked to build fewer homes, and plant more canopy trees. Mr. Collier offered that the mix of species provided on these plans provides ecological benefits that would not be offered by a plan with exclusively canopy trees.

Steve Kaufman requested the Shade Tree Commission require the applicant to plant a few more shade trees in areas where additional plantings may be feasible. Mr. Collier was asked to reply and offered that the plan was not "all or nothing" and was willing to work with the commission to the degree possible. Mr. Cavanaugh offered that the class-B buffer and open space requirements must be included per their conditional approval.

A motion was made by Christian Fassbender, seconded by

"To accept the plans as submitted with the addition of twenty (20) canopy trees, which must be all native species, planted throughout the site assuming these changes do not impact the applicant's conditional use status."

The Shade Tree Commission granted the applicant latitude to plant those additional shade trees at appropriate locations throughout the site. It was clarified that STC's approval is conditional based upon the addition of the twenty canopy trees and – were the applicant unable to add all twenty canopy trees – they would need to return to the Shade Tree Commission for further discussion.

OLD BUSINESS:

The Knolls at Whitemarsh: 505 A Germantown Pike – Following up to the motion made at the July 2020 STC Meeting: The Township Engineer has conducted daily site inspections at the Knolls site,

and confirmed all tree protection fencing is in place as per the approved plans. Additionally, all vehicle and machine traffic has been observed exclusively in approved areas, per the approved plans.

Eli Glick offered public comment regarding tree protections and provided photos of past projects taking place throughout the Township. Mr. D'Amore directed Mr. Glick to the Township Engineer for further discussion as his concerns are now beyond the scope of the Shade Tree Commission.

Sydelle Zove requested the commission ask their Board Liaison to address the issue with her fellow Board members.

Steve Kaufman offered that he felt the Township failed to properly enforce their ordinance, and echoed Sydelle's comments.

Ms. Turenne offered that much work does not require permitting and therefore, falls outside the scope of the Shade Tree Commission. She asked Mr. Halbom to research some of the referenced projects to verify. The Commission and the Board Liaison discussed communicating these concerns with her fellow Board members.

APPROVAL OF MINUTES

Mr. Glick offered public comment requesting the July meeting minutes be modified to include more specific language from his comments. Mr. Halbom addressed the commission and verified that meeting minutes are not a verbatim transcript, and that anyone is free to record all public meetings if they desire verbatim records.

Ms. Turenne corrected the minutes to note her presence at the July meeting.

The July 7, 2020 Meeting Minutes were erroneously passed due to the fact that Mr. D'Amore was absent from the July meeting, and only two members present were available to approve these draft minutes. The minutes will be reintroduced during the September meeting.

PUBLIC COMMENT PERIOD

Ms. Doll offered comment thanking the board members for their time and commitment to the Township. She expressed her opinion that Township staff do not share an equal level of commitment because they are not residents.

Debra Harris offered an anecdote of her neighbor's recent experience removing a large tree. She noticed that it did not appear the tree company knew about regulations of heritage trees, and suggested efforts be made to alert them moving forward.

Mr. Kaufman offered public comment regarding meeting minutes, and the minimal standards required by law. He added that minutes are allowed to include more information than required by law, and that omissions favored developers in his opinion. He outlined the process for meeting minutes approval at Open Space Committee meetings.

BOARD MEMBER COMMENTS

NEXT MEETING DATES:

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July 7, 2020	August 4, 2020	September 1, 2020	October 6, 2020
November 3, 2020	December 1, 2020	*Cancelled due to Pandemic	

ADJOURNMENT:

David D’Amore motioned to adjourn the meeting at 9:32 pm, the motion was seconded by Christian and passed 3-0.

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