

Notice of Tree Appeal (1856 and 1858 Huntington Drive)

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| Presented To: | Hearing Committee |
| Meeting Date: | October 20, 2021 |
| Type: | Public Hearing |
| Prepared by: | Tony De Silva Linear Infrastructure Services |
| Recommended by: | General Manager of Growth and Infrastructure |

Report Summary

This report provides a recommendation regarding the planting of a replacement road right of way tree, fronting addresses 1856 and 1858 Huntington Drive.

Resolution

THAT the City of Greater Sudbury directs staff to plant a Japanese Lilac tree on the road right of way fronting addresses 1856 and 1858 Huntington Drive during the 2021 fall planting season, as outlined in the report entitled "Notice of Tree Appeal (1856 and 1858 Huntington Drive)", from the General Manager of Growth and Infrastructure, presented at the Hearing Committee meeting on October 20, 2021.

Relationship to the Strategic Plan, Health Impact Assessment and Community Energy & Emissions Plan (CEEP)

This report refers to operational matters.

Financial Implications

There are no Financial Implications associated with this report.

Background

Addresses 1856 and 1858 Huntington Drive are semi-detached dwellings. They are located in a well treed neighbourhood within Ward 8. The combined road frontage for both of these properties is approximately 60 feet, of which 30 feet is a sodded front yard. Figure 1 shows a current view of the property from Huntington Drive. A mature Linden Tree was previously situated on the City's road right of way, fronting address 1858 Huntington Drive as shown in Figure 2.

Figure 1 – Current View of 1858 Huntington Drive



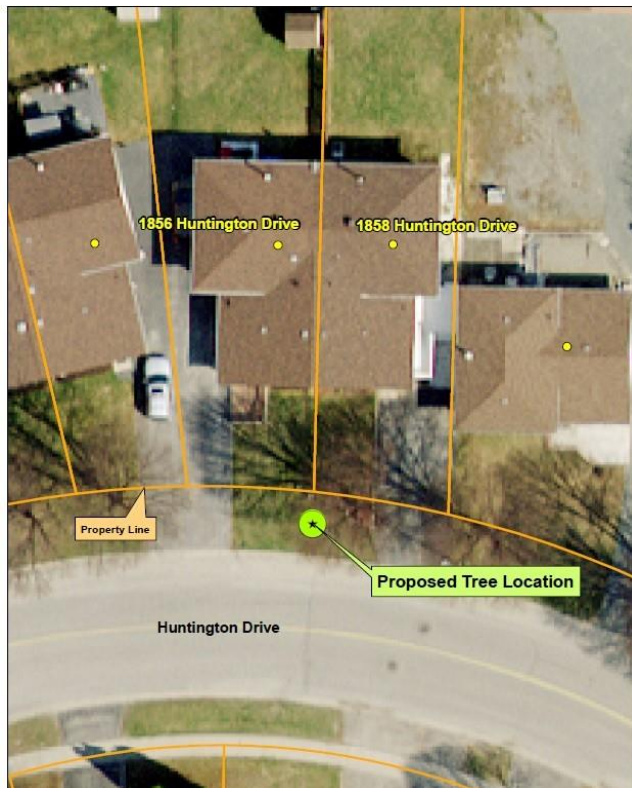
Figure 2 – 2015 View of 1858 Huntington Drive



The following is a chronological summary of the City's tree removal and tree replacement plan.

- October 29, 2018 – Ms. Murray phoned 311 to report a concern with the City tree located in front of her property at 1858 Huntington Drive.
- October 30, 2018 – The Tree Warden attended the site and determined that the Linden tree had a 'split' which warranted its removal.
- November 19, 2018 – The Linden tree was removed to eliminate a 'tree-fall' hazard. However, the tree's 'peg' (the de-branched lower tree trunk) was left in place.
- June 6, 2019 – The 'peg' was removed.
- July 27, 2020 – Stumping was completed.
- December 11, 2018 – The Tree Warden determined that the most appropriate location to plant a replacement tree would be in a more central location (between the two properties) to minimize concerns associated with root interference of the driveway.
- May 7, 2021 – The section Manager, Rick Henderson, met with Ms. Murray to explain the City's process of planting replacement trees as outlined in Service Request 57053 (see Appendix A). During this discussion, Ms. Murray made it clear that she did not want a replacement tree in front of her property and that she wishes to appeal staff's decision in this regard.
- May 18, 2021 – The Roads Operations Engineer, Tony De Silva, sent a registered letter to Ms. Murray (of 1858 Huntington Drive) with a carbon copy going to Ms. Erin Elaine Anderson (of 1856 Huntington Drive) reinforcing the City's decision to move forward with planting a replacement tree on the road right of way fronting their properties. The letter also described how to appeal this decision should the proponent wish to do so.
- May 19, 2021 – Chris Sheehan (on behalf of Rick Henderson) hand delivered a letter to Ms. Anderson detailing the City's plan to plant a replacement tree in front of her property along with a brochure titled "The Benefits of Trees".
- May / June 2021 – The replacement tree was scheduled to be planted at the approximate location shown on Figure 3. However, the planting operation was postponed at this location pending a decision by the Hearing Committee.
- June 23 2021 – Ms. Murray submitted an Appeal to the Clerks Department, looking for a reconsideration to the City's decision to plant a replacement tree on the road right of way fronting property addresses 1856 and 1858 Huntington Drive as allowed in By-law 2011-243.
- Written correspondence between the City, Ms. Murray and Ms. Anderson is included as Appendix "B".

Figure 3 – Proposed Tree Planting Location



Ms. Murray's Appeal identified several concerns regarding why she does not want a replacement tree planted in front of her property. These concerns are summarized as follows:

1. Existing root system has caused driveway damage
2. Questions on why other properties have not received replacement trees
3. Lack of notice regarding tree replacement
4. Liability concerns with respect to a tree being planted in the road right of way, fronting her property

Analysis

Concern #1

Ms. Murray's first concern largely relates to the existing root system of an already removed Linden tree. It should be noted that Linden trees are an approved species as defined in By-law 2011-243. The Tree Warden determines the general health of a tree by examining the condition of such items as root damage, trunk damage, disease, insect infestation, cavity and vigor. The Service Request report included as Appendix A summarizes these findings for the said Linden tree. The tree was inspected on October 18, 2018 and deemed to warrant removal due to "splitting". It is the City's policy to remove such trees along with its stump but not to remove the trees root system. Removal of existing roots as part of tree removal operation could be cost prohibitive and highly intrusive to property owners. However, Forestry crews may grind down or use soil to mitigate high risk tripping hazards caused by extruding root systems. This was not deemed necessary for the area fronting 1858 Huntington Drive. A tree's root system naturally decays with time once the tree has been removed.

Figure 4a and 4b show that the driveway at 1858 Huntington Drive has heaved in several places. There is also a linear uplifting of the asphalt in-line with a utility box located in the front yard. There are no visible roots on the grass or asphalt driveway. There are a variety of factors that can lead to driveway damage including but not limited to poor base material, poor drainage and wearing out of the pavement surface over time. A trees root system typically migrates away from its base in search of nutrients and water. If the driveway was

not constructed adequately, it is possible that the root system found its way beneath the driveway. However, there is no evidence to indicate that the driveway heaving is a result of the previously planted Linden Trees root system.

Figure 4a – Driveway at 1858 Huntington Drive



Figure 4b – Driveway at 1858 Huntington Drive



A replacement tree species is selected by the Tree Warden based on a number of factors, including but not limited to, existing soil conditions, lot size, available space and the existence of overhead wires. The approved list of tree species will be reviewed during the next tree by-law update. In consideration of Ms. Murray's concerns with respect to Linden trees, the Tree Warden selected a Japanese Lilac as a more suitable replacement tree in this circumstance. The Japanese Lilac is a smaller ornamental tree with fewer leaves than a Linden tree. It typically blooms in the spring and is widely thought to be aesthetically pleasing. Compared to the Linden tree, the Japanese Lilac tree is known to require low maintenance, has a smaller canopy, smaller root system, does not grow very large and is an approved species within the City's tree by-law. Figure 5 depicts a healthy mature Japanese Lilac tree.

Figure 5 – Typical Healthy Mature Japanese Lilac Tree



Concern #2

Ms. Murray notes that several other houses in her neighbourhood do not have trees and/or have had trees removed and not replaced. Each tree planting and tree removal operation is granted its own unique consideration in accordance with By-law 2011-243. Unfortunately, it is not possible to capture the history on all of the addresses noted, however, the following summary can be provided for contextual purposes.

- Address 1861 Huntington Drive – The Tree Warden determined that sufficient space was not available for replanting due to the existence of a hydro box on the road right of way.

- Address 1836 Courtland Drive – Two trees were removed in 2018 and 2020 respectively due to wind related damage. Placed on planting list for 2022.
- Address 826 Morningside Crescent – The tree by-law indicates that generally no more than 1 tree be planted on a standard 50-foot lot. Since there is a Spruce tree located on the private property portion of this approximately 50-foot lot, no additional planting is currently planned for this location.
- Address 1850 Courtland Drive – Two trees were removed in 2018 due to wind related damage. Placed on planting list for 2022.
- Unfortunately, there are no records to elaborate on the circumstances associated with the other six locations (1896 & 1821 Courtland Drive, 804 & 813 Morningside Crescent, 1853 & 1875 Huntington Drive) identified by Ms. Murray.

Concern #3

Unfortunately, Ms. Murray and Ms. Anderson did not receive timely written notification regarding the planting of a replacement tree. Letters regarding tree planting have traditionally only been sent to property owners in new subdivisions during the late winter, preceding the upcoming planting season. Since, Ms. Murray and Ms. Anderson were scheduled to receive a replacement tree, they did not get this notification. Written correspondence was sent to Ms. Murray and Ms. Anderson on May 18, 2021 regarding the City's spring planting plan. Beginning next season, this process will be improved when notification letters will be sent to all property owners who are eligible for a new or replacement tree.

Concern #4

The City is aware of its responsibilities with selecting and planting trees in appropriate locations along its road right of way in such a manner that minimizes hazards to motor vehicles. It is important that residents not alter or otherwise interfere with City trees to minimize risk to the motoring public and that its growth and flourishing contribute to an environmentally friendly community. If residents have concerns regarding right of way trees fronting their properties, they are encouraged to phone 311 to report the concern. The Tree Warden will inspect such concerns and take appropriate action.

Conclusion

The City has a long and proud history of regreening its devastated landscape and transforming it into a Canadian environmental success story. This regreening effort dates back to 1973, with planting starting in 1978. Sudbury.com recently published an article celebrating Sudbury's successful regreening efforts [GREEN LIVING: Greater Sudbury's remarkable regreening story - Sudbury News](#)

Section 9.4 of the City's Official Plan supports tree planting and protection of urban tree canopy and states: "In the City's urban areas, trees provide environmental benefits including air quality improvement, stormwater retention, summer cooling of the built environment, wildlife habitat, shade canopy, and beautification of our streets and neighbourhoods. To enhance the urban tree canopy, this Plan supports the development of a municipal tree planting initiative to increase the tree cover in the City's Living Areas and Employment Areas."

Section 13 of By-law 2011-243 states that "where the General Manager has authorized removal of a right of way tree. He or she shall direct the planting of a replacement right of way tree unless the General Manager determines that it is inappropriate to do so." Although we appreciate Ms. Murray's concerns listed in the Appeal form, they do not meet the standard required under the by-law to warrant an exception to planting a replacement tree on the road right of way fronting the said properties.

In light of the above, staff recommends planting a Japanese Lilac tree on the road right of way fronting addresses 1856 and 1858 Huntington Drive during the 2021 fall planting season.

Resources Cited

1. By-law 2011-243:

https://www.greatersudbury.ca/sudburyen/assets/content/div_clerks/documents/By-law%202011-243.pdf

2. By-law 2016-167:

<https://www.greatersudbury.ca/sudburyen/assets/File/By-law%202016-167.pdf>

3. Sudbury.com article:

[**GREEN LIVING: Greater Sudbury's remarkable re-greening story - Sudbury News**](#)

4. City of Greater Sudbury, Official Plan:

<https://www.greatersudbury.ca/city-hall/reports-studies-policies-and-plans/official-plan/official-plan/op-pdf-documents/current-op-text/>