

Request for Decision

Tree Removal Request Decision - 1501 Redfern Street

Presented To:	Hearing Committee
Presented:	Thursday, Mar 12, 2015
Report Date	Tuesday, Mar 03, 2015
Type:	Public Hearings

Recommendation

THAT the City of Greater Sudbury decline the request for tree removal from the road allowance at 1501 Redfern Street, Sudbury.

Background

On July 13, 2010 the resident (Paul Difant) brought forward a concern to the City that a crab apple tree required pruning. The Tree Warden inspected the tree, authorized pruning and completed the work in August 2011.

On September 6, 2012 the resident called the City back requesting that the crab apple tree be removed. The reasons for requesting a removal included issues with picking up the apples, costs of compostable bags for disposal and health reasons. Following a site inspection, on October 17, 2012, the Tree Warden declined the tree removal request based on available information and also deemed the tree to be healthy.

On September 2, 2014 the resident called back requesting once more that the crab apple tree be removed. He provided similar reasoning as in 2012 with the additional comment that the mail carrier complained to him of slippery conditions due to felled apples. Once more the Tree Warden inspected the site and considered the information made available. It was determined that the tree was healthy, did not require pruning and no evidence was provided that deemed it necessary for removal in accordance with the Tree by-law, therefore the tree removal request was declined once more.

Subsequently, the property owner requested a hearing on this matter as per By-law 2011-243.

The Tree by-law generally discourages removal of healthy right-of-way trees regardless of species for a variety of reasons. The City has a long and proud history of regreening our devastated landscape and transforming it into a Canadian environmental success story. This regreening program dates back to 1973, with planting starting in 1978, and it administered by the Vegetation Enhancement Technical Advisory Committee (VETAC).

In 2010 the **Earthcare Sudbury Action Plan** suggests: "In 2001, the City's Regreening Program noted that Greater Sudbury was losing about 500 street trees a year because of age, damage and disease. Healthy residential

Signed By

Report Prepared By

Tony De Silva
Roads Operations Engineer
Digitally Signed Mar 3, 15

Division Review

David Shelsted
Director of Roads & Transportation
Services
Digitally Signed Mar 3, 15

Recommended by the Department

Tony Cecutti
General Manager of Infrastructure
Services
Digitally Signed Mar 3, 15

Recommended by the C.A.O.

Doug Nadorozny
Chief Administrative Officer
Digitally Signed Mar 4, 15

areas should have at least 25% tree canopy coverage, but the amount of tree canopy coverage in many Greater Sudbury neighbourhoods has fallen below this threshold.”

Furthermore, Section 9.4 of the **City’s Official Plan** supporting tree planting and protection of urban tree canopy 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.*”

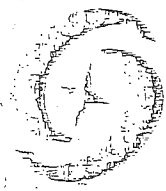
From a fiscal perspective, actual expenditures have exceeded the Council approved budget for tree removals (approximate budget of \$170,000 in 2014) in each of the last three years. Tree removal is a non-discretionary budget as an unhealthy tree represents a risk to safety. Therefore, if the tree needs to be removed due to its condition, the budget may be exceeded.

The species of tree in question is a Crab Apple. Although the tree is now deemed to be a prohibited species according to By-law 2011-243, there are many examples of this type throughout the City. The tree was inspected by the City’s Tree Warden in 2010, 2012 and 2014 and deemed to be healthy. 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* to name a few. The attached tree inspection report (see Appendix 1) summarizes these findings for the Crab Apple tree in question.

Schedule ‘C’ of the City’s Tree By-law 2011-243 (excerpt provided in Appendix 2) states that the General Manager of Infrastructure in consultation with the Ward councilor may authorize the removal of a healthy but prohibited right-of-way tree species, if all means to save the tree have been exhausted and it is still causing stress to the property owner.

In this case the City pruned the Crab Apple tree on several occasions to mitigate its growth and fruit production with positive results. Therefore, it is the City’s recommendation that the request for tree removal from the road allowance at 1501 Redfern Street, Sudbury be declined.

Appendix #3 includes photographs of the site from 2009, 2010 and 2012 for your review and consideration. Also attached are pictures taken by the Tree Warden in October of 2014.



Greater | Grand
Sudbury
www.greatersudbury.ca

644762

request for tree removal
from road allowance

Date: Oct 20/14

Street Name and Number: 1501 Roseau

Owner's Name: Paul DeSant

Number and Location of Tree(s): 1 CRAB Apple (Front)

Reason for Removal Request: Homeowner's Request.

Tree is healthy but causes damage to
carpets w/ fallen apples and driveway
becomes slippery for mailman (Reported to
Him)

Tree Warden's Recommendations

<input type="checkbox"/> REMOVE	Reason:
<input type="checkbox"/> REPLACE	
<input checked="" type="checkbox"/> DO NOT REMOVE	

AUTHORIZED BY: R. J. [Signature] DATE: Oct 20/14

OPERATIONS DIVISION / FORESTRY SECTION

DATE REMOVED: _____

DATE STUMPED: _____

GENERAL SITE LOCATION

FOR OFFICE USE

DATE Oct 20/14 20

ADDRESS 1501 Persenn

SIDE STREET

GENERAL SITE DESCRIPTION

Special Codes

- 1) playground
- 2) vacant lot
- 3) hospital
- 4) school
- 5) med. Strip
- 6) bank
- 7) church
- 8) airport
- 9) other - specify _____
- 10) none

Land Use

- 1) residential
- 2) commercial
- 3) industrial
- 4) recreational
- 5) undeveloped
- 6) downtown

MECHANICAL DAMAGE (% circ. affected)

Root Damage

- 1) 0 - 25% affected
- 2) 25 - 50% affected
- 3) 50 - 75% affected
- 4) 75 - 100% affected
- 5) none

Vigor

- 1) good
- 2) fair
- 3) poor
- 4) dead

SPECIFIC TREE SITE DESCRIPTION

Tree Lawn Width

- 1) 2 feet
- 2) 3 feet
- 3) 4 feet
- 4) 5 feet
- 5) Hydro
- 6) 7 feet and up
- 7) on other side
- 8) no sidewalk
- 9) container

Overhead Lines

- 1) 10 - 20 feet
- 2) 20 - 30 feet
- 3) 30 feet and up
- 4) Cable
- 5) Hydro
- 6) Bell
- 7) none

Trunk Damage

- 1) 0 - 25% affected
- 2) 25 - 50% affected
- 3) 50 - 75% affected
- 4) 75 - 100% affected

NONE

Seam

- 1) minor
- 2) moderate
- 3) severe
- 4) none

Street Light Clearance

- 1) inadequate
- 2) adequate

Building Clearance

- 1) inadequate (w/ 3' of bldg)
- 2) adequate (not w/3')

Cavity

- 1) minor
- 2) moderate
- 3) severe
- 4) none

Crotch Split

- 1) minor
- 2) moderate
- 3) severe
- 4) none

Traffic Triangle

- 1) tree w/ triangle
- 2) tree not w/ triangle

Stop Sign Clearance

- 1) inadequate (obscured)
- 2) adequate (not obscured)

Disease

- 1) Leaf
- 2) Dieback/decline
- 3) Planting shock
- 4) Canker
- 5) Root rot
- 6) Heart, sap rot
- 7) Leaf scorch
- 8) Chlorosis
- 9) Wetwood
- 10) none

Insect

- 1) leaf eating
- 2) sap sucking
- 3) meristematic
- 4) gall
- 5) borers
- 6) none

SPECIFIC TREE DESCRIPTION

Species Amel. D. B.

Year Planted 11

DBH

Deadwood (%)

- 1) less than 25%
- 2) 25 - 50%
- 3) 50 - 75%
- 4) 75 - 100%

NONE

Extent

- 1) light
- 2) moderate
- 3) heavy

N/A

Extent

- 1) light
- 2) moderate
- 3) heavy

N/A

Height

- 1) 0 - 15 feet
- 2) 15 - 30 feet
- 3) 30 - 45 feet
- 4) 45 feet and up

Largest Dead Limb

- 1) 1 - 4 inches
- 2) 4 - 8 inches
- 3) 8 - 12 inches

NONE

Estimated Life of Tree

- 1) 1 - 3 years
- 2) 3 - 5 years
- 3) 5 - 10 years
- 4) 10 years and over

Complaint Type

- 1) non approved species
- 2) roots
- 3) lawn
- 4) sap
- 5) fruit
- 6) other: (specify)

Crown Spread

- 1) 0 - 10 feet
- 2) 10 - 20 feet
- 3) 20 - 30 feet
- 4) 30 - 40 feet
- 5) 40 feet and up

Lowest Limb

- 1) 0 - 6 feet
- 2) 6 - 8 feet
- 3) 8 - 10 feet
- 4) 10 feet and up

Monitor

- 1) 6 months
- 2) 1 year
- 3) 2 years

Apple D. B. S.

Property

- 1) City property
- 2) Private property

SCHEDULE A TO BY-LAW 2011-243

Page 1 of 2

PLANTING RIGHT OF WAY TREES

1. The General Manager may authorize the planting on a right-of-way or partly on a right of way of one of the following species of tree:

Ash – fall gold, green

Locust – shade master

Maple – amur, tatarian, royal red, sugar

Hackberry

Hawthorn - thornless

Flowering Crab – spring snow

Oak – burr, red

Japanese lilac

Linden – pyramidal

Elm – prospector

Mayday

2. Generally one tree will be planted on a standard 50 foot lot.
3. Two trees may be planted on a corner lot.
4. Despite Sections 2 and 3 of this Schedule, the General Manager shall not authorize the planting of a right of way tree in a location where:

- (a) as a result of existing or proposed infrastructure or other circumstances in the area, it is unlikely that a tree will grow successfully or it is likely that any tree planted will be injured or have to be removed;
- (b) as a result of soil and drainage conditions, setback of buildings from the right of way, existing plants and trees, and similar considerations, the proposed location is not suitable for a tree;

SCHEDULE A TO BY-LAW 2011-243

Page 2 of 2

PLANTING RIGHT OF WAY TREES

- (c) the surface of the land is or may become water impervious, negatively impacting the health of any tree planted; or
- (d) the surface of lands covered by water impervious surfaces such as asphalt, concrete, stone or brick may be damaged by the roots or trunk of a tree planted in the area.

SCHEDULE B TO BY-LAW 2011-243

Page 1 of 1

SPECIES OF TREES NOT TO BE PLANTED ON A RIGHT OF WAY

1. No Person shall plant and the General Manager shall not authorize the planting of a tree of the following species on a right of way or partly on a right of way:

Manitoba Maple

Walnut

Butternut

Chestnut

Poplars (all types)

Willows (all types)

Cherry

Silver Maple

Elm all types, except Elm - prospector

Evergreens (all types)

Any fruit bearing tree

SCHEDULE C TO BY-LAW 2011-243

Page 1 of 2

**Removal of Healthy Right of Way
Trees on Request of Applicant**

1. Action to be taken:

Problem	Action Prohibited Species on Schedule B	Action Species other than Prohibited Species on Schedule B
Allergic reactions to tree / sap/ insects / pollen.	Tree will not be removed.* [exception-see below]	
Stress to homeowner caused by fear or dislike of trees and/or branches being blown down in a windstorm; Or Trees drop things on 'their' property such as seeds, fruit, leaves, twigs, sap and insects which require cleanup.	If tree may cause damage to a house and/or occupant due to proximity, lean and size (age) of tree, and is causing stress to homeowners and all other means to save the tree have been exhausted (i.e. pruning, volunteers to clean fruit, etc), the General Manager on consultation with the Ward Councillor, may authorize the removal of the tree.	Tree will not be removed.* [exception-see below]
Trees attract unwanted critters such as wasps, bees, caterpillars, birds, insects, chipmunks, squirrels, etc.	Tree will not be removed.* [exception-see below]	
Roots in sewer, weeping tile or foundation.	If the applicant proves to the satisfaction of the General Manager that sewer lines are being blocked by the roots of the healthy right of way tree, the General Manager, in his or her discretion may arrange to have the sewer re-lined at the City's expense or alternatively arrange to have the tree removed. If the applicant proves to the satisfaction the General Manager that there are roots from the healthy right of way tree in the applicant's weeping tiles or foundation, the General Manager may in his discretion authorize the removal of the tree.	
Tree causes soil shrinkage: roots ruin lawn, tripping hazards, tree at risk of falling.	If the applicant proves by way of a soils report or other evidence satisfactory to the General Manager that hazardous conditions have resulted from soil shrinkage caused by the healthy right of way tree, the General Manager may authorize the removal of the tree.	
Damage by a tree of a Prohibited Species on Schedule B to a house, lawn, vehicles or driveway.	Where it will solve the problem, the tree will be pruned and placed on a future priority list for removal. Where damage cannot be mitigated, the General Manager may authorize the removal of the tree.	Not applicable.

* The tree may be removed if the Owner can prove to the General Manager's satisfaction that the tree poses a health risk, or is causing serious and ongoing damage to property. In those circumstances, subject to Clause 3 of this Schedule, the homeowner shall bear 50% of: (a) the full cost of the removal and; (b) at the City's option, the replanting of another accepted species of tree.

SCHEDULE C TO BY-LAW 2011-243

Page 2 of 2

**Removal of Healthy Right of Way
Trees on Request of Applicant**

2. Replacement of Tree:

Where the General Manager authorizes the removal of a healthy right of way tree for any of the reasons noted above, it shall be placed on a list and removed within twelve months. The removed tree may be replaced at a future date, in accordance with Schedule "A".

3. Owner May Retain Own Contractor:

Despite any requirement in this By-law that work be performed by City personnel, the Applicant may retain his or her own contractor for:

- a) the removal of the tree; and
- b) if directed by the General Manager, the replacement of the tree pursuant to section 13 of this Bylaw,

provided that the contractor's accreditation is approved in advance by the General Manager. In this circumstance, the Applicant shall bear the full cost of removal and replacement.







