

Request for Decision

Tree Removal Request Decision - 1585 Dollard Avenue

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 1585 Dollard Avenue, Sudbury.

Background

On August 2, 2011 the resident (Rose Cameron) brought forward a concern to the City that roots from two Silver Maples in their front yard were interfering with her driveway. Upon inspection by the Tree Warden, it was determined that the roots did not affect the driveway and that the trees were healthy. Therefore, the tree removal request was declined, but it was determined that the trees required light pruning (which was completed in October of 2011).

On October 18, 2011 the resident's daughter contacted the City to state that the roots were in actual fact damaging the foundation walls and that was the reason they wanted the trees to be removed. The resident did not provide evidence of these allegations. As such, the Tree Warden communicated to the resident that the tree removal request would remain as declined.

On October 6, 2014, the resident called back informing the City that roots from the trees in their front yard were causing a sewer backup. The Tree Warden attended the site on October 29, 2014 and the resident did not provide any evidence that roots from the Silver Maples damaged the private sewer. The trees were still deemed to be healthy. Tree roots migrate into broken pipes, they do not break the pipes. Therefore if there is an issue with roots migrating into a sewer, the sewer needs to be repaired; the tree does not need to be removed. On November 4, 2014, the City advised the property owner that the said trees will not be removed. However, the trees were once again placed on a pruning list for light pruning.

On December 12, 2014, a foreperson with the City's Water and Wastewater Services Division attended the site and no evidence that the Silver Maples caused the alleged sewer damage was provided. The City's ACR (Active Citizen Request) system does not indicate any history of sewer backups at this address.

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

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

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 is 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 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 are Silver Maples. Although the trees are deemed to be a prohibited species according to By-law 2011-243, the trees were inspected by the City's Tree Warden in 2011 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 reports (see Appendix #1) summarize these findings for the Silver Maples in question.

Schedule 'C' of the City's Tree By-law 2011-243 (see Appendix #2) states that the General Manager of Infrastructure may at his discretion authorize the relining of a damaged sewer at the City's expense or approve the removal of a healthy right-of-way tree, if the applicant can prove that the roots of a right-of-way tree has caused sewer damage on private property. The City has received no such evidence to date. Therefore, it is the City's recommendation that the request for tree removal from the road allowance at 1585 Dollard Avenue, Sudbury be declined.

Appendix #3 includes Google Streetview 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.

RECEIVED
Aug 11/11

Date: Aug 10/11 366321

Street Name and Number: 1585 Dollard P3A 4G8

Owner's Name: Rose Cameron

Number and Location of Tree(s): 1 Silver Maple

Reason for Removal Request: Roots interfering with driveway

Tree Warden's Recommendations

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

AUTHORIZED BY: _____ DATE: _____

OPERATIONS DIVISION / FORESTRY SECTION

DATE REMOVED: _____

DATE STUMPED: _____

DATE

ADDRESS

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

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/i triangle
- 2) tree not w/i 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 scotch
- 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 SILVER MAPLE
 Year Planted _____
 DBH _____

Deadwood (%)

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

Extent

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

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- 2) moderate
- 3) heavy

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

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 _____

Property

- 1) City property
- 2) Private property

Date: Oct 28th / 14

Street Name and Number: 1585 DOLLARD AVE

Owner's Name: ROSE CAMERON


Number and Location of Tree(s): 2 Maples (Front)

Reason for Removal Request: Homeowner's Request

Roots in sewer lines

Tree Warden's Recommendations

<input type="checkbox"/> REMOVE	Reason: <u>TREES Healthy</u>
<input type="checkbox"/> REPLACE	<u>NO PROOF OF DAMAGE TO SEWER</u>
<input checked="" type="checkbox"/> DO NOT REMOVE	<u>Homeowner is responsible for</u>
	<u>sewer lines on own property.</u>

AUTHORIZED BY:  DATE: Oct 31/14

OPERATIONS DIVISION / FORESTRY SECTION

DATE REMOVED: _____

DATE STUMPED: _____

Nov 13th / 14 - Contesting by Angelen (Acr 652456)
Re assigned to TelBent

STREET TREE INVENTORY - FIELD SURVEY FORM
GENERAL SITE LOCATION

FOR OFFICE USE ONLY

DATE Oct 28 10 20 11

ADDRESS 1585 Dollard Ave

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 _____
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Land Use

- 1) residential
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MECHANICAL DAMAGE (% circ. affected)

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- 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 Maples
Year Planted _____
DBH _____

Deadwood (%)

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

Extent

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- 3) 8 - 10 feet
- 4) 10 feet and up

Monitor

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- 2) 1 year _____
- 3) 2 years _____

Alleges
Siberian linden
Drugs

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.





