

City of Durham
PLANNING COMMISSION MINUTES
December 7, 2021

1. **CALL TO ORDER.** Chairman Brian Goddard called the meeting to order at 7:30 p.m. via Zoom.
2. **ROLL CALL.** *Commissioners Present:* Chairman Brian Goddard, Commissioners Matt Winkler, Joshua Drake, Pat Saab, and Susan Deeming
Commissioners absent: Vice Chair Krista Bailey and Commissioner Gary Paul
Staff Present: City Administrator Linda Tate
Resident Present: Scott Marletto
3. **PLANNING COMMISSION MINUTES.** Commissioner Saab moved to approve the minutes from the November 2nd meeting. Commissioner Deeming seconded the motion. The vote was unanimous (5-0). **MO 120721-1**
4. **WORK SESSION MINUTES.** Chairman Goddard moved to approve the minutes from the November 16th work session. Commissioner Drake seconded the motion. The vote was unanimous (5-0). **MO 120721-2**
5. **PUBLIC FORUM.** There were no requests from the public to join the meeting.
6. **ILLEGAL TREE REMOVAL AT 8186 SW WILDERLAND COURT.** Administrator Tate provided the background for the tree removal. On November 16th the City received two phone calls about a tree being removed without a permit. Tate visited the site and talked with the company that had already removed the tree to ground level. That company had mistakenly called Washington County and were informed that Washington County did not require a permit for its removal. Tate asked for contact information for the property owner since the home had recently been purchased. The new owner, Scott Marletto, called City Hall by the time that Tate returned to City Hall. Tate returned his call, and Marletto was very apologetic. He asked if he could apply for the removal permit after the fact and stated that he had removed the tree because it was damaging the driveway, a path next to the garage and the garage floor. Tate informed him that the removal was in violation of the tree ordinance and he would need to attend the next Planning Commission meeting and the Commission would determine the assessment of the fine. Commissioner Deeming asked Marletto to give his reasoning for the removal. He responded that the tree was damaging the driveway, side path and garage and he wanted to remove it prior to moving in. He had windshields damaged by dropping branches at his last home and wanted to avoid that issue with this new home. He intends to replace the driveway in the spring. Deeming commented that she had seen the lifting in the driveway and was curious if there was other damage. Marletto said that there is a crack in the garage that he believes is caused by the roots of that tree. Deeming asked if the tree company was able to specify that it was that particular tree that was causing the damage instead of the other trees that are close by. Marletto said that it was clear it was that tree. Goddard and Deeming both asked the name of the tree service. The tree service was Pacific NW Landscape and Tree Service. Commissioner Drake stated that he looked at the site and wanted to know if Marletto was going to remove the stump and roots. Marletto stated that he intended to grind the stump now and remove all roots later when he was replacing the driveway. Deeming asked Tate if Pacific NW Landscape has done projects in Durham. Tate explained that she does not have

information on who residents hire to remove trees and only know who submits arborist reports. She further explained that she has never received an arborist report from this company and cannot tell from the business card if they are certified arborists. Goddard asked for further comments. Deeming stated that the situation was unfortunate, but the removal was clearly a violation of the ordinance. Drake stated that the driveway damage was obvious and the home owner trusted the tree company to handle it correctly. Drake suggested that the fine be \$360. Deeming suggested \$500 but was agreeable to a lower amount. Commissioner Saab asked if there would be mitigation required. Tate responded that the ordinance requires mitigation for removal of a healthy tree but that the property owner can opt to pay the in-lieu fee of \$250.00 instead of planting a tree. Goddard added that application fee should be included. Commissioner Winkler agreed with \$360 as a fine. Winkler moved to assess a fine of \$360.00 plus an application fee of \$25.00 and require mitigation for one tree. The homeowner could pay the in-lieu fee for the mitigation or follow conditions 1- 4 as stated on page 7 of the packet. Drake seconded the motion. It passed unanimously. **MO 120721-3**

7. COMMISSIONER COMMENTS / REPORTS / STAFF UPDATES.

- Chairman Goddard asked if there were any updates on the Planned Residential Development that was approved at the last meeting. Administrator Tate stated that there were no appeals to the decision, and she has been working with the City Engineer to answer questions about curb designs for the development.
- Commissioner Deeming reminded the Planning Commission that they were to come up with a list of possible street names. Goddard proposed Taylor as the name for the main street. Tate requested that Commissioners email her suggestions and she can collect them for discussion at the next meeting.
- Administrator Tate asked the Commission for feedback on the proposed meeting calendar for 2022. There were no objections. Tate stated she would post the calendar as presented.
- Commissioner Saab asked about the meeting about the proposed upgrades at Bridgeport Village and if there were any requests to open the gate on Findlay Road during construction. Tate said that she had not received any communication about opening up that gate.

8. **ADJOURN.** Commissioner Deeming moved to adjourn the meeting and Commissioner Drake seconded the motion. Meeting adjourned at 8:05 p.m.

Approved: _____
Brian Goddard, Chair

Attest: _____
Linda Tate, City Administrator