

**MINUTES OF A “SPECIAL” MEETING OF THE ENVIRONMENTAL AND HEALTH  
COMMISSION OF THE VILLAGE OF NORTH BARRINGTON, WHICH WAS HELD  
THURSDAY, MARCH 7, 2013 AT  
THE NORTH BARRINGTON VILLAGE HALL  
111 OLD BARRINGTON ROAD IN SAID VILLAGE**

**1. Call to Order and Roll Call**

At 7:37 P.M. Chairman Bruce Kramper called the meeting to order and the Deputy Village Clerk called the roll:

Present in Person: Chairman Bruce Kramper, Vice Chairman Patty Kalinowski, Jackie Andrew, Rob Haas  
Absent: None  
Also Present: Susan Allman, Village Forester  
Gery Herrmann, Trustee  
Ann Kafka, Trustee  
Pete Boland, Trustee  
Nancy Schumm, Schumm Consulting LLC  
Martin Lee, 30 Deverell Drive  
Pat Ryan, 404 Concord Lane  
Nicole Keiter, Deputy Village Clerk

**2. Approval of Past Minutes: Environmental and Health Commission Meeting  
February 5, 2013**

The Minutes of the February 5, 2013 Environmental and Health Commission Meeting were made available to the Commission.

Chairman Kramper asked if there were any revisions to be made to the Minutes. Vice Chairman Kalinowski requested that it be added to the record that the Commission felt as if Biltmore’s main purpose for appealing Ms. Allman’s heritage tree decision was based on aesthetics. There was some discussion.

Motion: Rob Haas moved that the Minutes of the February 5, 2013 Environmental and Health Commission Meeting be approved with Vice Chairman Patty Kalinowski’s additions on record; seconded by Vice Chairman Patty Kalinowski.

Discussion: There was some discussion.

Vote on Motion: The voice vote was unanimous in favor.

Chairman Bruce Kramper declared the Minutes of the February 5, 2013 Environmental and Health Commission Meeting approved as written, and put on file with additions to the record.

At this time Chairman Kramper asked Mr. Pat Ryan, 404 Concord Lane, for his public comment. Mr. Ryan introduced himself as a North Barrington resident and also as the Chairman of the Parks and Recreation Commission. Mr. Ryan asked the Commission to kindly notify the Parks Commission in the future when there is any type of work/improvements being discussed regarding Eton Park. He

stated that in May of 2010 work was to be done at Eton Park and the Parks Commission was not notified until the very last minute. While they were asked for opinions and notified of the work, it was not in a timely manner and therefore none of their suggestions could be used. Mr. Ryan stated that the Parks Commission wanted to make sure that all plans coming from their Commission were cohesive to any plans being recommended by the Environmental and Health Commission. Chairman Kramper agreed and stated that, if the situation presents itself in the future, he will personally alert the Parks Commission. Mr. Ryan thanked the Commission for their time and stated that Nancy Schumm, Schumm Consulting LLC, was formally invited to any Parks meeting she wanted to attend and that they would welcome updates and discussion from her. Ms. Schumm thanked Mr. Ryan and apologized for the oversight. She stated that the area where work was, and is, being proposed is a natural area and it was thought that the Parks Commission dealt with the more manicured public areas of the park. Chairman Kramper thanked Mr. Ryan for his comments and Mr. Ryan thanked the Commission and Ms. Schumm.

### **3. Eton Park 3-Year Maintenance Bids - Nancy Schumm**

Ms. Schumm stated that Integrated Lakes Management's (ILM) contract was coming due for renewal. She stated that, in her professional opinion, it is always good to review requests for proposals (RFPs) from many companies anytime a contract is due for renewal. This contract is for invasive species and woody invasives in Eton Park. Six companies submitted RFPs for the Commission to consider; ILM, Encap, Davey Resource Group, Applied Ecological Services, Tallgrass Restoration LLC, and McGinty Bros., Inc. Ms. Schumm provided the Commission with an updated chart comparing all six companies' RFPs side-by-side. She stated that some highlighted areas were optional or negotiable services. Some companies added options such as litter removal or site reports that she felt were unnecessary.

Ms. Schumm stated that the site is not totally degraded and since the area has been cleared, native species have started to grow. She also stated that ILM was doing a good job. She stated that they are easy to work with, conduct water testing and also provide site reports. She mentioned that while most of the RFPs reflected similar price points, ILM was one of the less expensive companies. Ms. Schumm asked the Commission for questions, thoughts, and suggestions. She stated that garlic mustard season begins early next month, which is why a recommendation made this month would be beneficial.

Ms. Andrew asked why ILM did not include a price point for seeding in the second year and if this meant they would not be doing any seeding that year. Ms. Schumm replied that they would want to see how things went in the first year before deciding if they wanted to seed in the second year or if it would even be necessary. Chairman Kramper asked if there was any advantage to having Encap in control of the Flint Creek project and maintenance at Eton Park. It was noted that, when removing optional or negotiable services, Encap had the lowest price point. Ms. Schumm stated that she didn't believe there were any obvious advantages to having one company doing both projects. She stated that Encap is a new company for the Village and that we have just started working with them and that Eton Park would be a new entity for them as it is not currently included in their project scope. Ms. Schumm stated that ILM had the advantage of knowing the area and what is currently happening in that area. There was some discussion.

Motion: Vice Chairman Patty Kalinowski moved to recommend to the Village Board awarding the Eton Park 3-year maintenance contract to Integrated Lakes Management; seconded by Rob Haas.

Discussion: There was some discussion.

Vote on Motion: The voice vote was unanimous in favor.  
Chairman Kramper declared the motion approved.

#### **4. Heritage Tree Appeal**

**Martin Lee, 30 Deverell Drive  
Susan Allman, Village Forester**

Martin Lee, 40 Deverell Drive, introduced himself and thanked the Commission for their time. He stated that the basis for his appeal was the hazardous situation the two Cottonwood trees in question were causing. Mr. Lee stated that one tree was approximately 15 feet from his home and severely leans towards his house and hangs over the family room, patio, and a bedroom. He stated that the cottonwood tree is a soft-wooded tree and therefore had a higher risk of falling. Mr. Lee then stated the other tree in question had been struck by lightning and that while healthy, he has been told that healthy trees fall. He stated that the location of the trees, since they are so close to his house, is what concerns him. Mr. Lee has had two other occurrences in his lifetime where healthy trees have fallen. He stated that these trees were far enough from his house to not cause damage, and if the trees in question were at a distance from his house he would not be as concerned. Mr. Lee also noted that he owns just less than one acre and has approximately 50 trees on his property and that he appreciates the necessity for trees and even works in the lawn and garden field and works with the Arbor Day Foundation to plant trees across the country. He stated that he has two young children, 6 and 8, that are frightened of the trees, especially when there are storms. Mr. Lee provided the Commission with pictures of the two trees in question and stated that he had spoken with two different arborists on the suggestion of Susan Allman, Village Forester. Mr. Lee stated that the arborists said that the tree which had been struck by lightning was healthy but under stress, and that while both trees appear healthy they understood why he would want to remove them. He thanked the Commission for hearing his appeal and stated that his concern was the safety for his family and that the Commission should prioritize the safety of North Barrington residents. The Commission then asked Ms. Allman to speak.

Ms. Allman stated that these trees were healthy, in good condition, and have been well maintained. She stated that these trees were first brought to her attention in 2010. According to procedure she met with the head of the Wynstone POA at the time and did an on-site evaluation. It was decided at that time that the trees were in good condition, they were cabled, and some trimming should be done. Ms. Allman stated that one tree is 15 feet from the house and the other tree is 28 feet from the house. She stated, according to the Ordinance, healthy trees are not to be removed. She also stated that neither of the certified arborists who examined the trees initiated removal and that she did not believe these trees were considered hazardous. She stated that last year 16 trees were approved for removal based upon being hazardous.

Vice Chairman Kalinowski questioned the Heritage Tree Ordinance section 5-3D-5, Exceptions. She read the statement regarding hazardous trees: "A heritage tree may be removed in case of emergency when the tree is hazardous or dangerous to life or property with approval by any member of the police or fire department or any Village official." Ms. Allman stated that this referred primarily to trees severely damaged in the case of large storms where the trees are simply removed without process. Vice Chairman Kalinowski stated that she was in search of a definition for the word "hazardous." Ms. Allman stated that there is no definition in the Ordinance as it is very difficult to define what a "hazard" is and that there is a whole criteria process one would have to go follow to declare something

as a “hazard.” Chairman Kramper asked if, at any time, Mr. Lee presented any report from an arborist to Ms. Allman. Ms. Allman stated that he did not. Chairman Kramper then opened the floor to Ann Kafka, Village Trustee, for comments.

Trustee Kafka thanked the Commission for their time and allowing her to share her comments. Trustee Kafka stated that she lives in the same community as Mr. Lee and has had her own experiences with cottonwood trees. She stated, through research, she has learned that the minimum ground space for a cottonwood tree is at least 15 feet of open space around the tree. Although she is not sure in this situation, the roots could be against the foundation of the home (as was her previous issue with this type of tree) and she urged the Commission to put the children’s safety as their top priority. Trustee Kafka also stated that the Village may face liability if the trees do fall considering this isn’t the first request to remove them and the Village has denied the requests while the Wynstone POA has approved the latest one. Trustee Kafka stated that the topography of Wynstone is prone to lightning strikes and could cite many locations.

Trustee Kafka then cited the Heritage Tree Ordinance. Section 5-3D-5, Exceptions was revisited: “A heritage tree may be removed in case of emergency when the tree is hazardous or dangerous to life or property with approval by any member of the police or fire department or any Village official.”

Trustee Kafka stated that this is the third time someone has thought these trees to be hazardous.

Section 5-3D-6, Tree Removal Permit Procedure was then referenced. Subsection D: “The Village Forester shall inspect the property and evaluate each application. In determining whether to issue a permit, the Village Forester shall base the decision on the following criteria:

1. The condition of the heritage tree or trees with respect to health, imminent danger of falling, proximity to existing or proposed structures and interference with utility services or public works projects

...

4. The number of trees (both heritage trees and nonheritage trees) existing in the neighborhood and the effect the removal would have upon shade, privacy impact, scenic beauty and the general welfare of the Village as a whole.”

Trustee Kafka stated that Mr. Lee has many other trees on his property that he has no qualms with and that the neighbors have asked for the tree removal as well.

Trustee Kafka concluded her comments by stating that the average age of a cottonwood tree is approximately 70 years old. She stated that these particular trees could be approaching the end of their lifespan causing their stability to be compromised. She also stated that the tree that is 28 feet from Mr. Lee’s house is about equidistant from his neighbor’s house and if it fell, depending which way it fell, would hit either house.

The Commission thanked Trustee Kafka for her comments. It was stated that animals climbing the tree limbs have most likely gotten into the roof line and could be damaging the roof. Ms. Andrew asked if the tree at 28 feet from Mr. Lee’s house were to fall, would the entire tree hit a home or would it just be the top of the tree. Mr. Lee stated that the tree was very large and depending on which way it fell it would hit his home or his neighbor’s garage. Ms. Andrew stated that trees do protect houses from lightning, as in most cases they provide a higher point for the lightning to hit. Vice Chairman Kalinowski asked Mr. Lee if granted the removal of these trees, would he be returning with additional trees to remove. Mr. Lee stated that he would not be back to ask for any additional trees. The Commission then asked for the trees’ diameters. Ms. Allman stated that even though each tree starts at one trunk, they both divide into two more trunks, so it is similar to having four trees. She then stated that the tree at 15 feet from the house has diameters of 24” and 27.5” while the tree 28 feet from the

house has diameters of 25” and 24.5”. Chairman Kramper stated that the way the Ordinance was written, it isn’t clear what a “hazard” is and what would apply. He stated that safety was a concern in this case though. Trustee Boland stated that “hazard” covers public safety of persons and property and therefore, in his opinion, this situation would be considered a “hazard.” Vice Chairman Kalinowski added that the way the Ordinance reads, “hazard” is to be defined by the Forester and then at appeal situations by the Commission.

Trustee Boland asked what the required replacement would be if the tree removal was approved. Ms. Allman stated that it would require 24 trees at 3” in diameter or greater to suffice the replacement portion as detailed in the Ordinance. Trustee Boland suggested that the Commission may explore the idea of using Mr. Lee’s potential replacement trees somewhere throughout the Village since so many trees have had to be removed from Village right-of-ways due to disease. The Commission felt that the burden of tree replacement, as distinguished by the Ordinance, was too great in this case. Vice Chairman Kalinowski asked if there was an appeal process or provision when it came to replacement. Ms. Allman stated that there was not; however, she would be flexible and not require the total replacement in this case. Chairman Kramper asked Ms. Allman what she would accept for replacement. Ms. Allman stated that she would like 12” of tree per tree removed and the \$2,400 tree bond to be kept for two years after planting. She stated that the tree bond was to assure the trees would live for at least two years. Trustee Boland suggested waiving the tree bond if the trees were to be planted in the Village since Mr. Lee will have no control over their health at that point. Ms. Allman argued that the tree bond is her assurance of receiving trees. There was discussion. Chairman Kramper asked if anyone from the Commission was ready to make a motion.

Motion: Vice Chairman Patty Kalinowski moved that Commission allow both trees to be removed. Replacement would be 12” of tree total with at least 2” diameter and Mr. Lee would decide whether he wanted those trees on his property or at a location agreed upon by Ms. Allman within the Village. The \$2,400 tree bond would be required; however, once the trees were planted (if in Village) the tree bond would be returned and not held for the traditional two year period; seconded by Jackie Andrew.

Discussion: There was some discussion.

Vote on Motion: The voice vote was unanimous in favor.

Chairman Kramper declared the motion approved.

Trustee Herrmann and Trustee Kafka stated that this Ordinance is relatively new. While the Ordinance serves an important purpose, there is room for clarification thus less appeals. Trustee Herrmann stated that he had some suggestions such as strict definitions of how close to house tree should be and if residents plant trees that become Heritage status, they should be able to remove them. Chairman Kramper agreed that some improvements could be made and asked everyone in attendance at the meeting tonight, including the Trustees and Commission, to read through the Ordinance and pass along any suggestions they may have onto him. These suggestions will be discussed at a future meeting.

## **5. Old/New Business**

There was no old/new business.

**6. Adjournment**

Motion: Jackie Andrew moved the Meeting be adjourned; seconded by Rob Haas.

Discussion: There was no discussion.

Vote on Motion: The voice vote was unanimous in favor.

At 8:50 p.m. Chairman Bruce Kramper declared the meeting adjourned.

These Minutes were approved at the Environmental and Health Commission Meeting held April 2, 2013.

ATTEST:

\_\_\_\_\_, Nicole Keiter, Deputy Village Clerk