



Date: December 13, 2021
To: Mayor and Town Council
From: Sean O’Keefe, Town Administrator
Re: Consideration and Approval: Talichet Phase 2 – Engineering Plan

Objective:

To review the Talichet Phase 2 – Engineering Plan for compliance with all applicable Town regulations.

Summary:

Almost all items of concern from the Development Review Committee (DRC) staff report of October 7, 2021 have been addressed, with no additional comments from the Town Engineer.

The only outstanding issue is the tree removal proposal, which has undergone substantial revisions since the initial presentation to DRC in October. The Land Development Code (LDC) states that 50% or more of all specimen trees must be preserved when developing, or else mitigation (by planting or paying) for all removed specimen trees is required. The current proposal (on page 10 on the Construction Plan) shows 38 specimen trees, with a proposed removal of 20 specimen trees and a preservation of 18 specimen trees. This is a preservation of only 47% of the specimen trees, which would trigger a required mitigation of all removed specimen trees per the LDC.

However, an arborist’s report has been submitted, which would remove four specimen trees (as well as two historic trees) from any mitigation requirement consideration. This would modify the proposal to a total of 34 specimen trees, with removal of 16 and preservation of 18. This is a preservation of 53% of the specimen trees and would not trigger any required mitigation for specimen tree removal.

Accepting the arborist’s report would eliminate any need for mitigation due to specimen tree removal. There have been three staff notes regarding the arborist’s report:

- The arborist has not submitted certification of qualifications.
- The report does not include photographic documentation of any of the trees in question.
- The wording of the arborist’s report says: “We would specifically not recommend that these trees remain exist *[sic]* in close proximity to structures or common areas.” This implies that the construction design is a problem for the trees, rather than there being a problem with the existing condition of the trees themselves, as described in 7.11.04 of the LDC: “In the design and development of any site, all trees shall be preserved to the maximum extent possible, except those identified by a certified arborist as not suited for protection due to the existing condition of the tree or other factors that will limit the tree’s ability to grow and maintain its health.”

Possible Motions:

The Town Council has the following options:

1. The Town Council motions to approve
OR
2. The Town Council motions to approve with the following conditions
OR
3. Motion to Deny

Fiscal Impact:

There is no initial fiscal impact to the Town.

There is no recurring fiscal impact to the Town.

Staff Recommendation:

Motion to conditionally approve the engineering plan in any one of the following three situations:

- 1) Reception of a completed arborist's report, including certification, photographic documentation, and phrasing appropriate to the requirements of the Land Development Code (LDC 7.11.04) in order to meet the 50% preservation requirement;
- 2) Resubmission of the tree plan with modifications in the list of specimen trees to be removed/preserved and pending Town Planner's confirmation that the 50% preservation requirement has been met;
- 3) Agreement to pay/plant for 50%+ mitigation if the preservation requirement cannot be met through either of the preceding methods.