

**RESPONSE TO TOWN OF PELHAM- TREE MAINTENANCE POLICY
POLICY #S802-01, REVISION DATE-June 7, 2021**

TO: Mr. Ryan Cook, Manager of Public Works
Ms. Holly Willford, Town Clerk

July 17, 2021

Dear Mr. Cook and Ms. Willford:

We, of the Pelham Tree Conversation Society (PTCS), are pleased to submit our comments and recommendations pertaining to the TOWN OF PELHAM- TREE MAINTENANCE POLICY, POLICY #S802-01, REVISION DATE-June 7, 2021. Our goals are to promote the preservation of our urban forest and help facilitate public discussion and education on the value of our trees. Today we find the trees still undervalued by the public, the town, and developments. We are determined to make positive change by increasing our tree canopy and lessen our Town's carbon footprint.

Firstly, we would like to thank Town of Pelham (TOP) Council and Staff for their efforts in addressing this matter and for the creation of the Revised Tree Maintenance Policy. After some 20 plus years of citizens advocating for a more comprehensive action plan to protect and grow Pelham's tree canopy and with what has essentially been up to this time two false starts to this end, we are gratified to discern that the Town administration now appears to be serious regarding the issue of caring for the remaining trees that grace our town. We submit this document in the spirit of cooperation and inclusiveness, and with the hoped for realization that TOP staff and Council understand that many citizens care about this issue and want to be part of the solution.

Of course, only time will tell if the Town will be willing to follow through on this new promise of a Tree Maintenance Policy. In this regard, in communication with Mr. Ryan Cook, Manager of Public Works, we have sought assurance that there will be follow through from Public Works in administering this policy. As noted on page 1 of the Policy, 1. Purpose, 2nd paragraph, it is stated; "The specific goals on this Tree Maintenance Policy are to develop an integrated set of objectives and procedures that will combine to form a set of overall working guidelines....". We understand that an operational manual will be devised arising from this Policy and that there will be performance standards established, measurements taken and bench-marks set, this so Council will be able to assess and thus determine if the Policy is being properly and fully implemented. If it is not, then we would expect Council to act accordingly to rectify any short-comings. Although not formally addressed in the current Policy, we would strongly recommend that a yearly report be provided to Council from TOP Public Works so that Council (along with the citizens of Pelham), can undertake appropriate oversight to ensuring that the proposed Policy is being fully implemented.

In review of page 1, 1. Purpose, and the stated objectives of this new Policy (a to g), by and large we consider these to represent worthy and realistic objectives on which to guide the operational procedures for carrying out the Policy. However, there is one glaring deficiency and this relates to objective (a). One cannot imagine that any responsible person will want to see a net loss of trees on municipal property, even though it appears to many this has been the case in our recent past. Pertaining to the continuing statement in section (a), that being ".....and that every effort shall be made to increase tree planting and expand the tree canopy within the TOP", it is our opinion that this Policy does not in any way sufficiently address that objective. Again, in communication with Mr. Cook, he advised that expanding the TOP tree canopy was not an objective of this Maintenance Policy. He relayed that a Councilor has requested a study of the TOP tree canopy and he believes that the Planning Dept. will undertake this, but this has not been determined at this time. We believe the issue of expanding the tree canopy is a VITALLY important one and feel very strongly this is an issue Council

must address in the very near future. We will have more to say on this in the concluding section of this submission.

In review of the report of Mr. Cook titled; Subject: Review of the Proposed Tree Management Policy, it is stated the Town's tree canopy is a source of civic pride and a major component of Pelham's environmental health and future sustainability, and that the care and maintenance of municipal trees is a priority. Further it was stated in relation to the TOP Strategic Plan relationship, that the tree canopy within the municipal boundary is VITAL to the high quality of life within the TOP. Further, section 10.1 states "Public trees should be preserved whenever possible". The PTCS wholly endorses these tenants.

With the above principles in mind, we respectfully request that regarding the revised Policy S802-01 of June 7, 2021, that Council give the directive that utmost priority is for the preservation of municipal trees and that only highly compelling reasons (i.e. a dead or dying tree to be taken down, safety issues, unavoidable during construction, etc), will serve as over-riding guidance to TOP staff when a decision to remove a tree hangs in the balance. In other words, the bar must be set very high for the TOP to sanction tree removal.

In the following section, please find our commentary with respect to the the actual workings of the proposed Policy and our recommendations for wording changes and additions. These are highlighted in green. Our sole purpose in doing so is to make a good policy even better!

Town of Pelham: Public Works and Utilities

SUGGESTED REVISIONS by the Pelham Tree Conservation Society

Policy Name: Tree Maintenance Policy

Policy No: S802-01

1. Purpose

The purpose of this policy is to provide a process that addresses the maintenance and use of trees in municipal parks, municipal rights of way and other municipal owned lands with a goal of promoting a healthy and robust tree canopy within the Town of Pelham.

The specific goals of this Tree Maintenance policy are to develop an integrated set of objectives and procedures that will combine to form a set of overall working guidelines that will:

- a) Ensure that there shall be no net loss of trees on municipal property and that every effort shall be made to increase tree planting and expand the tree canopy within the Town of Pelham.
- b) Ensure that all trees on Town properties are adequately protected from destruction, loss or damage.
- c) Increase species diversity in municipal parks, rights of way and other municipally owned or controlled lands.
- d) *All trees* planted should be native trees including Carolinian species.
- e) *Complete a full tree inventory of all Town of Pelham municipal trees with a minimum caliper of 50mm at breast height.*
- f) The health and vigor of public trees shall be ensured through regular tree inspection and pruning cycle.
- g) Opportunities shall be provided *to educate the town council, staff, contractors, and citizens* of the Town of Pelham on the ecological, aesthetic, economic and social benefits of trees.

2. Policy Statement

It will be the policy of the Town of Pelham to protect and maintain municipally owned trees, and to promote a healthy, *expanding* and robust tree canopy within the Town of Pelham.

3. Policy Constraints

This *policy applies to all* municipally owned lands within the Town of Pelham including road

allowances, municipal boulevards, parks, trails, and green spaces.

The policy may be affected by the financial resources, regulatory restrictions and requirements from other departments and agencies.

4. General Provisions

4.1 All tree maintenance operations performed on public property shall be carried out by *duly trained and appropriately qualified* town staff or contractor acting for the Corporation of the Town of Pelham.

4.2 All tree maintenance work shall be carried-out by trained persons (see 4.1) in accordance to the Ontario Occupational Health and Safety Act and Regulations, as well as established Town of Pelham Public Works Operating Procedures.

4.3 All costs incurred as a result of intentionally causing injury or removal of Municipal trees shall be recovered as outlined in the schedule of Fees and Charges under By-law 37-28(2016).

4.4 Tree removal, replacement or pruning required by a property owner for reasons which are to their benefit only, shall be at the property owner's expense, upon approval from the *Town of Pelham and shall be in keeping with the town's Tree Policy.*

4.5 Tree removal, replacement, or pruning required for the installation of a new entrance, modification of an existing entrance, and/or utility servicing, shall be at the property owner's expense, upon approval from the Town of Pelham.

4.6 *The Town of Pelham* may require an ISA Basic Tree Risk Assessment be completed prior to the removal, or pruning of a public tree for the purposes of new entrance installation, modification of an existing entrance and/or utility servicing, at the property owner's expense *and must be in keeping with the Town of Pelham Tree Policy*

4.7 *An annual report on the state of the Town of Pelham's municipal trees, including but not limited to inventories, reductions, and additions, should be compiled with the assistance of the Forestry Advisory Committee (* SEE FURTHER RECOMMENDATIONS SECTION) and the Town's Arborist.*

5. Climate Change

While it is difficult to predict exactly what climate change will mean for the health of Pelham's urban forest, some of the trends that have been identified *may* include:

- a) Warmer winter temperatures and longer growing seasons.
- b) Changes in the seasonality of precipitation and extreme events like droughts and heavy rainfalls.
- c) Expanded ranges of insects and increased over-winter survival rates of pests.
- d) Increasing severity of pest and disease outbreaks.
- e) Increased frequency and severity of storm events.

Based on current climate projections and projected impacts, the Town has incorporated a specific goal in the adaptation plan to preserve, protect, restore *and expand* the Town's urban and rural forests and includes five actions for adapting to the impacts of climate change.

The Town will endeavour to consider all aspects of climate change when planning any tree selection and planting projects to minimize effects.

6. Tree Inspection and Inventory

6.1 Public trees within the urban boundary shall be inspected at least once *every five* years by qualified staff to determine their general state of health and identify required maintenance.

6.2 Staff will maintain an up-to-date inventory of all public trees within the urban boundary. Records shall include geo-location, diameter, species, total tree height, crown height, and crown width.

6.3 Moved to Construction Section

7. Tree Pruning

7.1 Trees are pruned primarily to prevent damage to human lives and property, and to preserve healthy trees.

7.2 Trees within the urban boundary shall be pruned on a *3-to-5-year* cycle. Trees outside the urban boundary shall be pruned as required.

7.3 Pruning will be completed for the following reasons:

A} To remove dead, split, dangerous and broken branches. Branches are considered dangerous when they are decayed, hollow or split to the point of being structurally unsound.

B} To optimize airflow within the trees canopy to maintain health and reduce infestation.

C} To lighten crown loads when a structural defect is present.

D} To remove low hanging live branches to a height of 2.4m when they interfere with pedestrian traffic;

E} To remove low hanging live branches to a height of 4.3m when they interfere with vehicular traffic;

F} To remove branches that obscure clear vision of warning signs, traffic signs or traffic movement;

G} To avoid interference with street lights, overhead wires, roofs and other structures;

H} To reduce encroachments to sidewalks, roads, drainage structures and ditches;

I} To increase structural stability by removing branches that forms an acute angle of attachment.

7.4 When pruning is undertaken in woodlots and other natural areas, the limbs and brush are left onsite in a safe manner, in a location not to impede drainage, to decompose naturally.

7.5 The Town of Pelham Public Works Department will acknowledge the receipt of tree work requests within two business days. *A response from the Town of Pelham will be provided to that citizen within ten business days.* Emergency work will be completed as soon as practicable. Non-Emergency work will be completed within one month of receipt. Aesthetic pruning shall be completed based on available resources on a lower priority basis.

8. Tree Planting—General

8.1 Trees shall be planted in an area that least interferes with underground or overhead utilities and municipal infrastructure to ensure their full growth potential and vitality. No tree shall be intentionally planted in a manner that will interfere or disturb utilities above ground.

8.2 Tree species shall be selected and planted in accordance with the Town of Pelham Municipal Engineering Design Manual. Carolinian and native species *should always* be selected.

8.3 No tree shall be planted inside the daylight triangle of any intersection.

8.4 No tree shall obstruct driver sight lines or endanger pedestrian *and cyclist* safety.

8.5 Street trees shall primarily be planted on the municipal side of the property line.

8.6 Trees planted within the 'municipal right-of-way or boulevard' shall be deciduous in nature and hardy to zones 4 or 5.

8.7 Trees planted in municipal parks or on other municipally owned lands can be deciduous or coniferous and hardy to zones 4 or 5.

8.8 Trees shall be nursery stock with a minimum caliper of 50mm. Substitutions may be permitted with authorization from the *Town of Pelham.*

8.9 Newly planted trees must be planted with techniques that adhere to an arborists approved process and must be inspected by the Town arborist upon completion of planting and within the first year to ensure its sustainability.

8.10 Tree stakes must be removed before the tree ties girdle the tree trunks. Tree stakes shall be removed no greater than two years after planting.

9. Tree Planting—Replacement

9.1 Two trees shall be planted for every tree *(under 50mm caliper size)* removed due to health or safety reasons Two trees shall be replanted in the area of removal. If not plausible the second tree

shall be planted on any municipally owned land.

9.2 Two tree(s) shall be planted for every tree (*under 50mm caliper size*) removed resulting from construction or utility servicing activities.

9.3 When the Town of Pelham removes a tree and the replacement tree cannot be relocated in the area of removal, the replacement trees shall be planted on any other municipally owned land.

9.4 *Trees over 50mm must be replaced by more than 2 trees on a sliding scale following this formula:*
Number of replacement trees (#RT) = *Diameter of Removed Tree / Diameter of Nursery Stock Tree (NST)

**Diameter measured at breast height.*

9.5 The Town of Pelham *must* replace all trees removed within the following calendar year.

9.6 *The tree inventory should be updated with the numbers, species, and locations of all replacement trees.*

10.Tree Removal

10.1 Public trees should be preserved whenever possible.

10.2 No tree shall be removed unless it is apparent that the tree is dead or dying and/or when a tree poses a safety hazard to people or property.

10.3 A tree will not be removed for reasons such as: falling leaves, fruit, seeds, twigs, the presence of wildlife, shade, or other non-threatening natural occurrences.

10.4 When trees are felled in woodlots and other natural areas, the wood and brush are left onsite in a safe manner, as to not impede drainage, to decompose naturally.

10.5 The Town of Pelham Public Works Department endeavors to remove dead or dying trees on municipal property as soon as practicable. Trees requiring the use of a contracted service provider, which pose no immediate threat to persons or property may be removed the following year as part of the annual tree maintenance contract.

11 Stump Removal

11.1 Once a tree is removed the stump shall be ground below grade and restored with topsoil and sod within twelve months of removal.

11.2 Stumps are not to be removed from woodlots, natural areas, or unmaintained roadside locations.

12.Invasive Species

12.1 Both public and private trees face significant threats from invasive insect pests and diseases.

12.2 The Town of Pelham will implement an Integrated Pest Management (IPM) approach to manage pests and disease in an ecological manner. Plans are based first on prevention and when needed, a control (biological, cultural, physical or mechanical intervention), saving registered pesticide application as a last resort.

12.3 The Town of Pelham endeavors to consider all invasive insect pests and disease when selecting tree species, and increasing tree diversity to minimize the effects.

13. Construction Activities

13.1 Staff will perform ISA tree inspections and *update the inventory of trees in the construction zone (if not already inventoried) prior to draft plan approval at all construction projects and in locations prior to the initiation of any projects where trees may be affected.*

13.2 *Upon approval from the Town and the Forestry Committee*, a healthy tree may be removed when new construction is proposed in the vicinity and it is substantially more economic to remove the tree, or if there are no suitable alternatives available.

13.3 Any trees designated for removal will be well marked at the trunk a minimum 30 days before scheduled removal. TOP will respond on a timely basis to citizen's request for information regarding reason(s) for tree removal and if any alternatives have been considered.

13.4 In TOP construction contracts, contract language should include the requirement that the contractor take utmost care and diligence as well as utilize appropriate construction techniques when working around living trees so as to minimize damage to the tree and its root system. This also applies to TOP staff performing construction/repair activities.

13.5 When a contractor has seriously damaged or destroyed a tree, the contractor will reimburse the TOP costs following the sliding scale (see section 9.4) for tree replacement.

13.6 Trees within or adjacent to a construction site must be protected during construction by means of a barrier installed and meet the following specifications:

- a. Tree protection barriers must be erected prior to the commencement of any construction activity that may injure a tree on the site and are to remain in place throughout the entire duration of the project. The applicant shall notify the appropriate Town department in writing prior to commencing any such activities to confirm that the tree protection barriers are in place.
- b. The tree protection barriers specified herein must remain in a condition satisfactory to the Town until all site activities including landscaping are complete.
- c. Authorization from the appropriate Town department must be obtained prior to the removal of tree protection barriers.
- d. If some fill or excavated material must be temporarily located near the tree protection barrier, a wooden barrier must be used to ensure no material enters the TPZ.
- e. A sign, provided by the Town will be paid for by the applicant and mounted on one side of a tree protection barrier for the duration of the project.

RATIONALE FOR THE CHANGES SUGGESTED

1.d) All trees should be native species to ensure viability and to maintain our native forest.

1.e) Having an up to date and comprehensive inventory of our trees is a way to know where we are starting in this process and be able to grow our native forest, while maintaining accurate records of our successes and failures and to learn from our mistakes.

1.g) Not only do the citizens of the town need adequate education, but all people involved in the process of growing our canopy and making decisions towards this outcome can benefit from expanding their knowledge base.

2. We do not only wish to just maintain what we have. We need to take a proactive approach to expanding our canopy.

3. The policy should be focused in the present, and not a future idea.

4.1 It is of utmost importance that maintenance operations are performed by knowledgeable staff to ensure the sustainability of the trees.

4.4 Not all requests from citizens are what is best for the town and should be reviewed before being approved.

4.4, 4.5 and 4.6 require the approval for removal, replacement or pruning or procurement of a risk assessment related to trees on Municipal Property. Currently, The Director of Public Works or designate is identified in Policy S802 as the go-to person. We believe that this responsibility should rest with the Town of Pelham, because this activity is too time-consuming for a director or designate, and it can be perceived as too concentrated of power in one single individual. Plus, the currently designated individual may not have the required expertise to make decisions specified in the sections.

In the context of prevailing inclusivity, equality and fairness we propose that the Town of Pelham, through its arborist, in conjunction/consultation with the Town's Forestry Committee should handle all requests required under section 4.4 to 4.6, and any other related issues with respect to trees on Town property.

4.7 In order to establish transparency and keep the citizens aware of progress, an annual report is required.

6.3 Due to the nature of the ongoing construction issues regarding our trees, we felt this needed a section of its own.

7.1.b This is an established practice for tree health and should be included in reasons to prune.

7.5 A mechanism for citizens to have appropriate methods of recourse and discussion of options regarding trees in their town is necessary and expected.

8.2 All trees should be native species to ensure viability and maintain our native forest.

8.9 Due to the number of trees planted in the past few years that have not survived, it is our recommendation that planting is done by knowledgeable staff to ensure the sustainability of the trees.

9.1-4 A simple approach of 2 trees for every 1 lost was an adequate start, but given our ongoing global warming crisis, it is our feeling that a more proactive approach to canopy sustainability be taken by using parameters that reflect a better outcome of expansion. 9.4 specifies that all trees over 50 mm diameter must be replaced by the formula stated to satisfy their real value in terms of; a) habitat for wildlife, b) shading, and thus increasing resilience of town infrastructure (sidewalks, roadways), c) mitigating water absorption (flood control), d) land stabilization (erosion control), e) aesthetic value of a neighbourhood, and e) absorption of carbon dioxide and **THUS DECREASING THE CARBON FOOTPRINT OF THE TOWN**. Planting trees is one of the cheapest and fastest way of mitigating the increase in greenhouse gases. For instance, larger more mature trees absorb more carbon dioxide and solar radiation, and thus the standard replacement of two for one would actually cause our carbon footprint and heat generation to increase, which is the opposite of what we should be doing. Reduction of our carbon footprint is the **RIGHT** thing to do!

9.5 Timely replacement should not be optional. In fact, we would highly suggest a plan for being proactive by replacing trees in the planning stages **PRIOR** to the others coming down. This is more cost effective and creates better establishment of our urban forests.

13.1. To be proactive in planning it would be beneficial to know beforehand where there will be potential for loss of established forests.

13.2 Not all construction plans are what is best for the towns forests and should be reviewed before being approved.

13.5 The developers and contractors should be fiscally responsible for replacement trees as per the recommended sliding replacement scale.

13.6 Tree barriers used in construction are vital to maintaining trees that might be potentially damaged during the construction process.

FURTHER RECOMMENDATIONS

We would like to recommend the proposal of allocated funds gained by various means to help with

education and enforcement of tree policy. Such means could be, but not limited to: Levies and fees, grants, donations, and legacy programs.

A Forestry Public Advisory Committee should be created to assist the TOP with the extra demands of maintaining and growing our tree canopy, inventory monitoring, policy and educational needs.

In an effort to increase the survival of our replanted trees, when a tree is planted on municipal land adjacent to someone's private property, that adjacent property owner should be offered the opportunity to be the custodian of that tree. They should be provided with the knowledge and educational materials needed to care for the newly planted tree.

The adjacent homeowner should be provided a choice of tree replacements that are appropriate for the site. If the homeowner has a choice of pleasing options and are more involved, then they may be more likely to care for said tree.

In the Policy we note there is no reference made to planning for replacement of aging trees. Especially in the older part of Town, we have many old trees and these will not last forever. Planning should commence for planting replacement trees where space permits.

On some TOP properties (3 Hurricane Road for instance), there exists very mature trees (likely well over a hundred years of age). We believe there should be a special category for such magnificent trees; designated say as "Heritage Trees", or the like. These trees should receive extra high priority for preservation in any development planning.

We request that a mechanism be put in place for citizens who have concerns about why a tree is being removed, to seek a second opinion (i.e. get another arborist's report, etc), and for an appeals process to be implemented. We recommend that Public Works be directed to keep and post a public list of trees slated for removal, list the reason(s) why, and for a period of 30 days accept and respond to inquiries from the public.

IN CONCLUSION

We return to the issue of the tree canopy and stated TOP objective (a); **".....every effort shall be made to increase tree planting and expand the tree canopy within the TOP"**.

We respectfully request that Council place utmost priority to achieving this goal. Mr. Cook's reference to a study of the Pelham tree canopy it seems to us could be undertaken quickly given advances in technology. Then, as Councilor Olson has suggested, an appropriate target for increasing the tree canopy is required, say 30% as an initial target (and this could be revisited with a view to increasing the target, say every 4 years, this in keeping with the term of Council). Councilor Olson states that we need a target such as set by the Champion of Trees Award. He suggests this might come with the Town's membership in an accrediting body. We whole-heartedly support Councilor Olson's recommendations in such regard.

Further, just as we have been advised that the Region of Niagara is now in the throes of conducting a comprehensive study of exactly what lands they possess where trees could be planted, the TOP needs to expeditiously do the same. One would presume that given the Federal government's commitment to plant 2 billion more trees across Canada in this decade that any available public land in the TOP could be dedicated towards this objective. We strongly believe we ALL must devote our energies to grow the tree canopy and we ask our Council to step up now and demonstrate leadership on this issue.

However, growing the TOP tree canopy cannot simply rest with the Town administration, and as Councillor Olson refers to, a tree policy should build upon relationships with other government and NGOs, along with

agricultural enterprises and others. As to what “others”, we would also add the development industry. Many trees can be lost to development and their numbers are often not replaced. We need development to become part of the solution versus being part of the problem.

Further as to “others” that Councilor Olson references, the fact is that much of the land in the TOP is privately held. It is thus our opinion individual land-owners must also become part of the solution to preserving Pelham’s tree canopy. Just as many other communities in Ontario have undertaken (i.e. Niagara-On-The-Lake), it is our recommendation that a by-law be struck to govern the protection of trees on private lands while setting forth a procedure should residents have concerns/issues with a tree on their property.

We strongly believe this matter is extremely important and highly pertinent to what the Town has laid out in the recently released Climate Change Action Plan. This constitutes the “action” part of the Plan.

In conclusion, we of the PTCS, along with many other citizens of Pelham, are prepared to act boldly in protecting and growing the trees of Pelham. We therefore appeal to TOP staff and Council to join us in fermenting bold action! Let us together, in the spirit of cooperation and inclusiveness, make Pelham the greenest envy of the Niagara Region, and by doing so together leave a flourishing tree canopy that future generations can be proud of.

We kindly ask that the TOP acknowledge receipt of this document. Thank you.

Respectfully submitted,

Pelham Tree Conversation Society
Acting Chairperson – Mike Jones

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