



WINDERMERE TREE BOARD

Chair: Susan Carter

Secretary: Frank Krens

Treasurer: Pamela Schrimsher

Jackie Rapport

Leslie Brabec

Council Liaison: Bill Martini

Agenda

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July 7, 2022

1:00 PM

**COMMUNITY CONFERENCE ROOM
614 MAIN STREET, BUILDING 100
WINDERMERE, FL 34786**

PLEASE TURN OFF ALL CELL PHONES AND PAGERS

PLEASE NOTE: IN ACCORDANCE WITH F.S. 286.26: Person with disabilities needing assistance to participate in any such proceedings should contact the Office of the Clerk at least 48 hours beforehand at (407) 876-2563.

Pursuant to Resolution No. 2005-12 adopted on December 13, 2005, the following Civility Code shall govern all proceedings before the Town of Windermere Windermere Tree Board:

1. All electronic devices, including cell phones and pagers, shall be either turned off or otherwise silenced.
2. Prolonged conversation shall be conducted outside Council meeting hall.
3. Whistling, heckling, gesturing, loud conversations, or other disruptive behavior is prohibited.
4. Only those individuals who have signed the speaker list and/or/who have been recognized by the Mayor (or Chair) may address comments to the Council.
5. Comments at public hearings shall be limited to the subject being considered by the Council
6. Comments at Open Forums shall be directed to Town issues.
7. All public comments shall avoid personal attacks and abusive language
8. No person attending a Windermere Tree Board meeting is to harass, annoy, or otherwise disturb any other person in the room.

Any member of the public whose behavior is disruptive and violates the Town of Windermere Civility Code is subject to removal from the Windermere Tree Board meeting by an officer and such other actions as may be appropriate. PLEASE NOTE: IN ACCORDANCE WITH F.S. 286.0105: Any person who desires to appeal any decision at this meeting will need a record of this proceeding. For this, such person may need to ensure that a verbatim record of such proceeding is made which includes the

AGENDA

Mission Statement: Augment community awareness of our Urban Forest, provide education regarding the benefits of trees and a commitment to protect, preserve, and proliferate our community's Urban Forest, and beautification of our Windermere Parks and Recreation Areas.

1. THE MEETING IS CALLED TO ORDER

2. OPEN FORUM / PUBLIC COMMENT (3-Minute Limit)

3. MINUTES

a. May 19, 2022 Meeting Minutes (attached - board option)

4. NEW BUSINESS

a. Amendments to FS 163.045 (attached)

b. Trees FL Recap

5. ADJOURN

Draft MINUTES

Windermere Tree Board **May 19, 2022**

Mission Statement: Augment community awareness of our Urban Forest, provide education regarding the benefits of trees and a commitment to protect, preserve and proliferate our community's Urban Forest. Beautify our Windermere Parks and Recreation Areas.

Tree Board Members: Susan Carter (Chairman), Frank Krens (Recording Sec.), Jacqueline Rapport, Leslie Brabec, Pamela Schrimsher
Town Liaison: Bill Martini

1. **Call To Order** - Chairman Susan Carter called the regular meeting of the WTB, as an in-person meeting, with a quorum present at: 10:06 A.M.

Tree Board Members present were: Susan Carter, Jackie Rapport, Leslie Brabec, and Pamela Schrimsher. Frank Kerns was not able to attend. Leslie Brabec took the minutes. Town Council liaison Bill Martini, Public Works Director Tonya Elliott-Moore, and Public Works Foreman Travis Mathias were present. Brett Dargis, of V3 Capital Group, LLC was present, representing the land owners. Marcus I. Geiger, P.E. of Kimley Horn was present. Eric H. Hoyer of Legacy Forestry Services was present representing the developers. Brad Cornelius, AICP of Wade Trim Inc., works with the Town of Windermere.

2. **Public Comment** – The public was involved in the presentation and discussed the topics as they came up.
3. **Approval of Minutes**
 - a. April 21, 2022 Windermere Tree Board Meeting Minutes- These minutes need to be corrected to read “WTB members will walk the site individually prior to the May 2nd meeting.” Jackie Rapport made the motion, Pam Schrimsher seconded and it was approved.
 - b. May 2, 2022 Windermere Tree Board Special Meeting Minutes- No corrections were noted. Pam Schrimsher made the motion, Jackie Rapport seconded and it was approved.
4. **New Business**
 - a. Tree Recommendations for 500 Block Developer. Brad Cornelius did a presentation regarding the development of the 500 block and the Town of Windermere's involvement. He noted that the Town had designated this site as a site for re-development several years ago. There are many issues that the Town mandates such as the maximum amount of square footage, and other site requirements. The plans must go through a multi-step process that involves not only the Town

committees and government but public notifications as well. This includes recommendations from the Tree Board, the Development Review Committee but also workshops and then the Town Council as well. The plans must also go through PUD. Part of these requirements is the buffer between the commercial and residential areas. There has to be a 6-foot wall and 20-foot buffer but there is flexibility about the design if the Town wishes. The Town has already provided a waiver for parking to decrease parking spaces to protect the tree canopy. There is a pathway for a fee to be paid if parking is needed. Water retention and a septic system are required and there is no set number of trees to be saved in the ordinances, but there is still a Town Tree Mitigation Ordinance. The developer has an arborist and the Town also can have their own arborist to work with them. They are using permeable pavement to help protect the trees as much as possible. Susan presented our process for walking the site and designating the trees that the Tree Board highlighted as important and ranked them in a priority system. Brett Dargis then spoke about the importance of the trees. Of the 31 trees that were on the list, 27 trees are being kept. The list of the ones being removed is: # 65, because it is on the foundation line of the building. The building must be up to the sidewalk per Town requirements. No. 53 cannot be saved because it sits in the middle of the septic drainage field. It is a laurel oak and while a pretty tree its roots would eventually get into that drainage system. The septic drainage field is set to provide for the heritage trees on the corner of Oakdale St. and 5th Ave. No. 57 is a palm tree and an invasive tree. No. 61 is being saved and they are shifting their loading dock to save it. No. 281 will have to be removed as it is in the middle of the drain field. The rest of our list is being saved. No. 4 is an invasive Golden Rain Tree that provides some canopy to Main Street, it is up to the Tree Board as to whether they wish to save it or not. The wall will undulate around the trees. It must fit with the ordinance and must be brick, stone or stucco and go with the character of the building. The Town is considering lowering the height to 3 feet along Sixth Ave. The plan is to have more of a post and beam construction so the columns would break up the monotony of a solid wall. The buildings will mimic the style of the Town offices. When the roundabout is enlarged it will be shifted to the west onto land the Town owns. The additional new trees will be as big as can be safely transplanted. The new trees being brought in will be native species as much as possible, 15 trees out of the approximately 20 trees. Eric Hoyer discussed trees as well. There are 88 trees on the survey. So, of the 88 trees, 27 will be retained (he will send the list to the Tree Board). The process for the wall will involve a complete final drawing that will then go through the Tree Board, the Development Review Board and Town Council plus workshops. All this will be open to input from the public and they will have elevations and colored renderings. The tree mitigation fees were discussed and the possibility of the Town re-examining their fees. The Town Council can adopt a new schedule of fees. If a tree is removed without permission the fee is doubled. The drainage and septic fields are maxed out for the square footage. The next workshop will possibly be in June. There are thoughts on adjusting the fence on the pocket park. The public was involved in all the above discussion and asked questions during these presentations.

5. **Next meeting** - is to be determined
6. **Adjourn** – Jackie Rapport made a motion to adjourn the meeting. Pam Schrimsher seconded, and all voted aye. The meeting was adjourned at: 12:01 PM.

Fla. Stat. § 163.045

Section 163.045 - [Effective 7/1/2022] Tree pruning, trimming, or removal on residential property

(1) For purposes of this section, the term:

(a) "Documentation" means an onsite assessment performed in accordance with the tree risk assessment procedures outlined in Best Management Practices - Tree Risk Assessment, Second Edition (2017) by an arborist certified by the International Society of Arboriculture (ISA) or a Florida licensed landscape architect and signed by the certified arborist or licensed landscape architect.

(b) "Residential property" means a single-family, detached building located on a lot that is actively used for single-family residential purposes and that is either a conforming use or a legally recognized nonconforming use in accordance with the local jurisdiction's applicable land development regulations.

(2) A local government may not require a notice, application, approval, permit, fee, or mitigation for the pruning, trimming, or removal of a tree on a residential property if the property owner possesses documentation from an arborist certified by the ISA or a Florida licensed landscape architect that the tree poses an unacceptable risk to persons or property. A tree poses an unacceptable risk if removal is the only means of practically mitigating its risk below moderate, as determined by the tree risk assessment procedures outlined in Best Management Practices - Tree Risk Assessment, Second Edition (2017).

(3) A local government may not require a property owner to replant a tree that was pruned, trimmed, or removed in accordance with this section.

(4) This section does not apply to the exercise of specifically delegated authority for mangrove protection pursuant to ss. 403.9321-403.9333.

Fla. Stat. § 163.045

Amended by 2022 Fla. Laws, ch. 121,s 1, eff. 7/1/2022.

Added by 2019 Fla. Laws, ch. 155,s 1, eff. 7/1/2019.

This section is set out more than once due to postponed, multiple, or conflicting amendments.
