

June 5, 2015

Report To: Mayor & Council

From: Doug Brown, Manager Operations & Facilities

**SUBJECT: Request from Megan Walchuk, Property Owner of 1500 Colonization Road West to Plant Trees on the Town's Highway or R.O.W.**

The email dated May 29, 2015 from Megan Walchuk, property owner of 1500 Colonization Road West was referred by Council at the June 8, 2015 meeting to the Operations and Facilities Executive committee for review and recommendation. See attached copy of the email dated May 29, 2015.

Please find attached the last report where property owners wanted to plant trees on the Town's Hwy. or Right-Of- Way (R.O.W.) and including a copy of the pertinent section of the existing by-laws;

- 1) By-law 1331 – dated December 23, 1943 - see Sections 3 & 7 for applicable sections
- 2) By-law 1513 – dated May 10, 1948 – see Sections 4 (d) for applicable section.

There are Pros and Cons for allowing trees to be planted on the Town's R.O.W.

**PROS**

- Beautifies the Community
- Environmentally friendly way of reducing the Town's carbon footprint on the planet.
- Property Owners satisfaction

## CONS

- Safety issue for motorists and pedestrians – reduce sightlines and visibility
- Roots will eventually find their way into sanitary service lines and mains – maintenance and property owner inconvenience.
- Increase in on-going maintenance costs for tree trimming tasks, unblocking sanitary service lines
- Another obstacle for snow fighting equipment to deal with
- Root obstruction issue for other buried utilities such as gas, bell, water, hydro & cable.
- Difficult to manage – Town's responsibilities vs property owners, permission granted to property owners to plant tree(s) on Town's ROW vs no permission and eventually homes have different owners no agreement in place which is registered against property thus history is lost on who is responsible for what.

In regards to the existing by-laws there appears to be a conflict on how permission is granted to property owners to plant trees on the Town's ROW. By-law No. 1331- Clerk issues a permit vs By-law No. 1513 - written permission from Council. It is suggested that the existing by-laws be revised at this time as to establish the permission protocol and the age of the By-laws over 60 years old. Also there is a cost to locate or trace out service lines (water & sanitary sewer) – existing by-law rate is \$123.43 per hour, who is going to pay this, the Town or the property owner? See attached plan showing the location of the property in-question to the Armstrong Place/ Colonization Road West intersection.

The Operations & Facilities Executive Committee recommends the following;

- That the request from Megan Walchuk, property owner at 1500 Colonization Road West be denied as a result of on-going maintenance costs associated with trees planted on the Town's boulevards as they mature.
- That Megan Walchuk be encouraged to plant trees on her property.
- That Administration review & update the existing by-laws associated with planting trees within the Town's right-of-ways and highways in the future.



Respectfully submitted,  
Operations & Facilities Division

*Doug Brown*

Doug Brown, P. Eng.  
Manager Operations & Facilities

Council approval of this report will **ensure the following;**

- That the request from Megan Walchuk, property owner at 1500 Colonization Road West be denied as a result of on-going maintenance costs associated with trees planted on the Town's boulevards as they mature.
- That Megan Walchuk be encouraged to plant trees on her property.
- That Administration review & update the existing by-laws associated with planting trees within the Town's right-of-ways and highways in the future.

RECOMMENDED

JUN 17 2015

DIV. MNG.

EXECUTIVE COMM.



Megan Walchuk  
<phillmeg@yahoo.com>

05/29/2015 03:04 PM

Please respond to  
Megan Walchuk  
<phillmeg@yahoo.com>

To "Islomke@fort-frances.com" <Islomke@fort-frances.com>

cc

bcc

Subject: permission to plant easement trees

Hello,

I am writing to request permission to plant trees on the city easement of our property. The property in question is 1500 Colonization Rd W. We are planning to erect a fence enclosing the north end of our property. The easement on the east side, or the side facing onto Armstrong Pl, is quite wide. We would like to build the fence along the Armstrong side to our property line but plant small shrubs and likely 2 apple trees in the strip between our property line, and going no closer to the street than the existing fire hydrant. These plantings would help camouflage the fence from view, and preserve the beauty of the neighbourhood. The space between our property line and the curb is 20 feet. Our proposed plantings would be limited to the first 10 feet, behind the hydrant, likely closer to five feet out, allowing roughly 15 feet of open boulevard. There are no sidewalks on Armstrong.

If you would like to see the property in person, we had a survey done today, so stakes are currently visible to show the boundary.

Please advise if we can go ahead with our fence camouflage plan.

Thank you,  
Megan Walchuk  
1500 Colonization Rd W  
274-2701

July 17, 2009

Report To: Mayor & Council

From: Doug Brown, Manager Operations & Facilities

**SUBJECT: Request from Property Owners of 325 & 318 First Street East to Plant Royal Red Maple Trees on the Town's Highway or R.O.W.**

The letters dated July 6, 2009 from Mr. Paul Blais (318 First Street East) and Mr. & Mrs. Martinson (325 First Street East) were referred by Council at the July 13, 2009 meeting to the Operations and Facilities Executive committee for review and input.

Please find attached By-laws in regards to planting trees on the Town's Hwy. or Right-Of- Way (R.O.W.);

- 1) By-law 1331 – dated December 23, 1943 - see Sections 3 & 7 for applicable sections
- 2) By-law 1513 – dated May 10, 1948 – see Sections 4 (d) for applicable section.

Royal Red Maple are one of the tree species which are allowed to be planted on the Town's R.O.W. Please see information on the mature size of these type of trees. Also attached are some pictures of the said properties and damage to sidewalks and curb as a result of mature trees.

There are Pros and Cons for allowing trees to be planted on the Town's R.O.W.

**PROS**

- Beautifies the Community
- Environmental friendly way of reducing the Town's carbon footprint on the planet.
- Property Owners satisfaction



## CONS

- Safety issue for motorists and pedestrians – reduce sightlines and visibility
- Roots will eventually find their way in sanitary service lines and mains – maintenance and property owner inconvenience.
- Increase in on-going maintenance costs for tree trimming tasks, unblocking sanitary service lines
- Another obstacle for snow fighting equipment to deal with
- Root obstruction issue for other buried utilities such as gas, bell, water, hydro & cable.
- Difficult to manage – Town's responsibilities Vs property owners, permission granted to property owners to plant tree(s) on Town's ROW Vs no permission and eventually homes have different owners no agreement in place which is registered against property thus history is lost on who is responsible for what.

Since my time with the Town, I am not aware of any requests from property owners to plant trees on the Town's ROW. In regards to the existing by-laws there appears to be a conflict on how permission is granted to property owners to plant trees on the Town's ROW. By-law No. 1331- Clerk issues a permit VS By-law No. 1513 - written permission from Council. It is suggested that the existing by-laws be revised at this time as to establish the permission protocol and the age of the By-laws over 60 years old. Also there is a cost to locate or trace out service lines (water & sanitary sewer) – existing by-law rate is \$110.38 per hour who is going to pay this the Town or the property owner?

The Operations & Facilities Executive Committee recommends the following;

- 1) That the request from the property owners at 318 First Street East and 325 First Street East be denied as a result of on-going maintenance costs associated with trees planted on the Town's boulevards as they mature.
- 2) That both property owners are encouraged to plant trees on their own property.

- 3) That Administration review & update the existing by-laws associated with planting trees within the Town's right-of-ways and highways in the future

Respectfully submitted,  
Operations & Facilities Division

Doug Brown, P. Eng.  
Manager Operations & Facilities

Council approval of this report will **ensure the following;**

- That the request from the property owners at 318 First Street East and 325 First Street East be denied as a result of on-going maintenance costs associated with trees planted on the Town's boulevards as they mature.
- That both property owners are encouraged to plant trees on their own property.
- That Administration review & update the existing by-laws associated with planting trees within the Town's right-of-ways and highways in the future

2009 July planting of trees on hwys.



TOWN OF FORT FRANCES

By-Law No. 1331

A by-law to regulate the planting, trimming and removal of trees in the said Town of Fort Frances.

The Council of the Corporation of the Town of Fort Frances enacts as follows:

Sections 50, 51, and 52 of by-law No. 10 of the said Municipality are hereby rescinded.

Shade or ornamental trees shall hereafter be planted upon any highway in this Municipality only in conformity with this by-law.

No person shall hereafter plant any shade or ornamental tree upon any highway in the said Town of Fort Frances until he has obtained a permit for that purpose, signed by the Clerk of the said Municipality, or by such other person or officer as the Council may authorize.

No person shall hereafter plant on any street in the said Town any tree of the following kind or species, viz: poplar, willow, balsam of Gilead, or any evergreen tree or shrub.

No person shall destroy or injure any tree growing on a highway in the said Town.

When the Council of the said Town deems it necessary in the public interest to remove any tree or trees, the said Council may, by resolution, instruct some official of the said Municipality to cause such trees or trees to be removed in accordance with Clause X (f), Section 523, Chapter 286, R. S. O.

1955-4950

All trees planted upon a highway or upon private property where the branches extend over a highway shall be neatly and properly trimmed by the owner of the land to which any tree is appurtenant.

All trees whose branches extend over a sidewalk or pathway or whose branches are close to the wires of any public utility shall be trimmed to a height of at least ten (10) feet above such sidewalk or pathway, and to such distance from the wires of the said public utility as may be required under the Regulations of the Hydro Electric Commission.

Should the owner referred to in Clause 7 above refuse or neglect to trim any tree or trees as herein required, the Council may, by resolution, direct and authorize one of its officers to perform the said trimming.

In this by-law "tree" shall include "shrub".

PASSED in open council this 28th day of December, 1943.

Mayor

Clerk.



TOWN OF FORT FRANCES  
By-Law 1513

Chap. 286, R.S.O. 1937  
Sec. 404 (46)  
Sec. 507 (1) & (2)

A by-law for the purpose of setting apart portions of highways for the purpose of boulevards; for permitting the owners of land abutting on such highways to make and maintain such boulevards at their own expense; and for regulating the construction, maintenance and protection of such boulevards, and to control and regulate the planting of trees thereon.

WHEREAS it is expedient that certain portions of the highways at or near the sides of them should be set apart for the purpose of boulevards;

AND WHEREAS it is desirable that the owners of land abutting on such highways or portions thereof, should be permitted to make and maintain at their own expense, boulevards on that part of any highway set apart for that purpose;

AND WHEREAS it is necessary to regulate the construction, maintenance and protection of such boulevards;

THEREFORE the Municipal Council of the Corporation of the Town of Fort Frances ENACTS as follows:

1. The north, south, east, and west sixteen feet of all highways within the Town of Fort Frances is hereby set apart for the purpose of boulevards, excepting those portions thereof that are used and required for sidewalk purposes and for street and lane intersections and for the purpose of any public utility in the Town of Fort Frances.

2. The owner of any land may petition the Council for permission to make and maintain at his own expense, a boulevard upon that portion of the highway so set apart and abutting upon his land.

3. The permission to make and maintain such boulevard shall be granted by resolution of the Council of the said Municipality.

4. All boulevards within the Town of Fort Frances, heretofore or hereafter constructed, shall conform to the following regulations:

(a) All boulevards hereafter constructed or repaired shall be made two (2) inches below the level of the adjacent sidewalk and the outer edge thereof shall be four (4") inches below the said sidewalk level. Should the Council deem it necessary or in the public interest, it may direct that any boulevards heretofore constructed be made to conform with this section.

(b) The outer edge of such boulevard shall be bounded or confined by a curb of stone, cement, or plank, the outer edge of said curb being free from projections.

(c) All boulevards shall be kept clean, free from weeds, and well and regularly mown.

(d) No shrubs or trees shall hereafter be planted in such boulevard without written permission from the Council of the said Municipality.

5. No person shall, by any means whatsoever, injure, damage, foul, or encumber any boulevard, made and maintained in accordance with the provisions of this by-law, or which has been heretofore constructed within the Town of Fort Frances.

6. The Council shall have the right and may at any time, tear out or destroy any boulevard, or any portion thereof which unreasonably confines impedes or incommodates public traffic.

7. Any person convicted of a breach of any of the provisions of this by-law shall forfeit and pay at the discretion of the convicting magistrate, a penalty not exceeding the sum of Fifty (\$50.00) dollars for each offence, exclusive of costs, and in default of payment of said penalty and costs forthwith, the convicting magistrate may commit the offender to the common gaol, and for any period not exceeding twenty-one days unless the said penalty and costs are sooner paid.

8. By-Laws 891 and 973 be and the same are hereby repealed.

PASSED in open Council this 10th day of May 1948.

W. A. WILKINSON  
Clerk.

J. H. Holmes  
Mayor

W. A. WILKINSON  
Clerk.

J. H. Holmes  
Mayor



