

**CITY OF NEWARK
DELAWARE
CONSERVATION ADVISORY COMMISSION
MINUTES**

November 11, 2020

MEETING CONVENED: 7:04 p.m. GoToMeeting

MEMBERS PRESENT: Chair George Irvine, Beth Chajes, MaryClare Matsumoto, Helga Huntley, Sheila Smith

ABSENT: Bob McDowell, Robyn O'Halloran

STAFF: Nichol Scheld, Administrative Professional I
Joe Spadafino, Director of Parks & Recreation

Dr. Irvine called the meeting to order at 7:04 p.m.

1. APPROVAL OF MINUTES FROM SEPTEMBER 15, 2020 AND OCTOBER 13, 2020:

MOTION BY DR. HUNTLEY, SECONDED BY MS. CHAJES: TO APPROVE THE SEPTEMBER 15, 2020 AND OCTOBER 13, 2020 MINUTES.

MOTION PASSED: 5 – 0.

AYE: Irvine, Smith, Matsumoto, Huntley, Chajes.

NAY: 0.

ABSENT: McDowell, O'Halloran.

2. PUBLIC COMMENT: None

3. DRAFT LANDSCAPE SCREENING AND TREATMENT ORDINANCE UPDATE – JOE SPADAFINO

Mr. Spadafino presented revisions to the Section 32, Article XXV, Landscape Screening and Treatment Ordinance and reminded all he presented a draft of the proposed provisions earlier in the summer to the Planning Commission, the CAC, and City Council. Based on comments received by staff, the Landscape Screening and Treatment Ordinance Review Committee updated the proposed ordinance with revisions including but not limited to the following:

- Lowering the mapping of all trees with a diameter at breast height (DBH) of 24 inches or greater to 12 inches or greater
- Changing the mitigation for value trees to be divided into three different categories of 12" to 17.99" DBH, 18" to 23.99" DBH, and 24" and over DBH
- Removal of the landmark tree designation
- Addition of the removal of invasive species with an approved management plan requirement in the forested area remaining within the subdivision

Mr. Spadafino emphasized that the original language limited the removal of invasive species to the non-forested area of the ordinance, so staff included the language in the forested area preservation section. Staff also refined the verbiage within the ordinance for clarity and more detailed explanations. He stated the table for recommended ground cover and low evergreens was removed and would now be a separate document available on the Parks & Recreation Department website. He explained that the document was moved so it could be changed when necessary as invasive planting designations, diseases and insect infestations required the planning list to be continuously modified. He emphasized the list was not intended to be comprehensive and would serve as an additional guidance and did not guarantee Department approval or the availability of plant material at nurseries for any of the developers.

Dr. Irvine recalled the CAC was generally pleased with the draft presented over the summer and asked for clarification on removing the landmark tree stipulation. Mr. Spadafino replied that the original document stated that any trees 24" inches or greater would be considered landmark trees and that any tree 18" to 23.99" was considered a value tree. Staff increased the value tree category to include trees with 12" to 23.99" DBH and assigned different values for the three size specifications. Dr. Irvine asked the three category names and Mr. Spadafino repeated trees with 12" to 23.99" DBH were all considered value trees and 24" and over were also value trees but had different values as the DBH increased. Dr. Irvine asked if the principle was that a developer would pay a higher fee for removing a higher value tree and Mr. Spadafino explained the prior ordinance had no value for any tree 12" to 17.99" so staff added value for the sizes based on feedback received from Council, the Planning Commission and the CAC. Dr. Irvine asked if the red text in the revision was updated language and Mr. Spadafino replied the highlighted areas were the latest updates. Dr. Irvine asked if the feedback indicated a general approval of the draft or if there were other concerns. Mr. Spadafino replied that most feedback requested clarified verbiage. He reiterated staff added the removal of invasive species with an approved management plan requirement in the forested area remaining in the subdivision to the *Provisions for Forest Area Preservation*. He repeated staff had created a separate document from the table that would be removed from the ordinance, so staff could have the ability to update information based on new evidence of diseases or the addition of new plants the invasive species list without involving Council. Dr. Irvine was pleased with the new policy and thanked Mr. Spadafino.

Ms. Smith informed the CAC that she served on the committee and shared that the conversation often concentrated on tree size. She recalled comments about the percentage of native plantings and remembered Mr. Spadafino stating the recommended tree list would be provided to the Planning Department at the time of presenting the plan. She asked at what point in the planning process staff would inform developers that the City wanted 70% native plantings and when developers would be provided with the recommended tree list. Mr. Spadafino explained the tree list would be included as a separate document on the Parks & Recreation website. The document would clearly explain:

- 70/30 native/non-native ratio
- ratio for plant diversity - 10% of the same species, 20% of the same genus, and 30% of the same family
- use of only native trees in forest area connectivity
- additional points staff would consider

Ms. Smith asked if the landscaping plans were sent to Parks & Recreation during the planning process or if it was the responsibility of the Planning Department. Mr. Spadafino explained plans were provided to every department and confirmed the Planning Department would rely on Parks & Recreation for comments on landscaping. He continued that he and Tom Zaleski, the City's certified arborist, would

review the plans and provide comments to the developer. He noted that many of the landscape architects already involved in City projects understood the guidelines. He revealed a 2019 project used an Oregon-based design firm and staff issued redesigns because the plan lacked the desired plant diversity and the 70/30 ratio. He said staff intended to furnish the information to developers earlier in the process before plans were submitted. Ms. Smith asked how the plans were evaluated and admitted she was discouraged about recent plantings because saw no evidence of native species. Mr. Spadafino reminded Ms. Smith of previous discussions and said that many of the projects currently underway were likely approved prior to staff emphasizing the 70/30 ratio with the Sustainability Plan. Ms. Smith asked if staff would explicitly request a developer's plant list to be evaluated for compliance and Mr. Spadafino confirmed. He clarified the 70/30 was a goal and not a steadfast number so staff would use discretion and Ms. Smith understood. Mr. Spadafino stated that staff would consider if a tree was the correct type for the location as well as consider salt and heat tolerance depending on the landscape area because staff did not want to require a native tree if the conditions were not suitable. He assured there were many beneficial non-native species and emphasized that invasive plantings were not permitted. He continued that staff added two definitions to the definition section explaining non-native species and differentiating between a forested and non-forested area. He explained that Ms. Bensley suggested adding the descriptions to the definition area which would also be presented to Council for approval.

Dr. Irvine asked if Mr. Spadafino was requesting a recommendation and Mr. Spadafino confirmed and noted the recommended motion included in the memo. He thanked the Commission for their efforts and noted he was pleased with the final document.

Ms. Smith expressed her desire that the prior list of approved plants be deleted from the document. Mr. Spadafino confirmed that staff updated the most recent list on which Ms. Smith, Tara Trammell, UD Plant and Soil Sciences, Mr. Zaleski, and Bill McAvoy, DNREC, collaborated. Mr. Spadafino was confident in its accuracy. Ms. Smith noticed the list was not attached and Dr. Huntley explained that per Code, tables were not included in order to allow for ease of updating. Ms. Smith understood but said that the table was still included in the document and Mr. Spadafino pointed to the note written above the table indicating the table would be deleted.

Dr. Huntley noted the CAC typically included a reasoning in its motions and asked that one be included in adapting the suggested motion.

Ms. Matsumoto appreciated including the smaller DBH trees in the value category. Dr. Huntley asked if there was greater emphasis that new plantings should be native, and Ms. Smith agreed that the revised plant list should be included as well as the language suggesting a minimum of 70% natives for new development. Mr. Spadafino agreed that the previous document was too rigid and noted the new language provided staff with more flexibility because there was now an option for cash-in-lieu-of and the creation of a fund staff could use for reforestation projects and other plantings. Ms. Smith asked if the funds could also be used for care of the mitigation trees and Mr. Spadafino confirmed. Dr. Huntley asked where the 70/30 ratio would be stated, and Mr. Spadafino explained it would be included in the additional living document that could be updated by staff without requiring Council approval. Dr. Huntley asked why the 70/30 ratio was not included in the ordinance and Mr. Spadafino repeated that he wanted staff to have flexibility so the ratio would be included in the living document which also listed native plants, plant diversity guidelines, and indicated that only native trees could be used in forest area connectivity. Dr. Huntley asked if the forest connectivity was included in the ordinance and Mr. Spadafino confirmed. Dr. Huntley was concerned that there was no minimum native planting requirement in the ordinance. Ms. Smith agreed it was difficult without the minimum written into the ordinance and explained that a planner

on the committee argued against adding the ratio because staff wanted flexibility which was why the group created the approved planting list. Dr. Huntley pointed out the living document was not written into law and argued that if a developer wanted to plant all non-native plants, then it would be allowed. Ms. Smith disagreed and believed the City had more authority. Mr. Spadafino confirmed that Parks and Recreation had the final approval of landscape plans.

Dr. Huntley was skeptical on how the ratio could be enforced if it were not written into the ordinance because she did not think Council could use a Department's suggestion as grounds for denying a proposal. Ms. Smith said the denial would be for the planting, not the entire development plan. Dr. Huntley asked why the 70% threshold was difficult for developers to maintain and Mr. Spadafino maintained that it was not difficult once staff provided guidance but agreed there were differing opinions on the ratio and the benefit of including non-native trees. He reiterated the 70/30 ratio was extensively discussed in the Sustainability Plan, so staff was committed to working with developers to achieve 70/30 ratio. Dr. Huntley argued that the ordinance was open for developers to plant whatever was desired and the background guidance was flexible. She desired a higher percentage but agreed to allow for compromise and wanted to have 70% as law because there would be an established minimum threshold. Dr. Huntley noted the law would allow for developers to exceed the minimum percentage while still maintaining the minimum desired. Mr. Spadafino reiterated that if a developer presented a plan for 50/50 and refused to achieve the 70/30, then staff would deny the landscape plan and the project would not be approved. Dr. Huntley asked if the discretion would be left to staff versus being put into law. Ms. Smith recalled discussions with Tom Fruehstorfer, Planner, and said she would have to refer to the minutes but mostly agreed with Dr. Huntley. She noted Mr. Fruehstorfer had provided good examples at the time of the discussions and explained that plantings depended on the right plants for the right locations so it was possible there could be some situations where the 70/30 ratio would not work. Ms. Smith pointed that the City could improve its own properties but could not dictate private property and to do so would require vigilance on behalf of citizens who were committed to making sure the City was not approving undesirable plans. Ms. Smith directed Dr. Huntley to speak to Mr. Fruehstorfer to answer why the ratio was not specified in the ordinance.

Mr. Spadafino acknowledged that Ms. Smith was a proponent for a higher percentage and reminded her that there was extensive conversation within the group who determined that the ratio would be included in the living document as a part of the desired requirements from Parks & Recreation. He added the CAC could choose to recommend that the ratio be included in the ordinance. Dr. Irvine indicated line 236 of the draft ordinance covered tree replacement plantings and provided clear direction that the City would specify the species, size, and quantity of the plant material and that the plantings would be installed as directed by the Parks & Recreation Department. He felt the language empowered the City within the ordinance to direct the developer to the desired plant species but was unsure if the language meant the site of the development. Dr. Huntley assumed most developments would not be impacted because most developments put their plantings on their own sites versus off-site and Mr. Spadafino confirmed staff attempted to replace as many plants as possible in the subdivision with the ordinance. He continued if a developer owed trees, they would be charged cash-in-lieu-of tree value or staff would recommend additional plantings on off-site park destinations.

Dr. Huntley referred to Planning Commission minutes where Commissioner McNatt mentioned that the County and other municipalities were leaning towards a 100% native plant requirement and Ms. Smith interjected that she believed Ms. McNatt was referring to a New Castle County Executive order but then asked if Ms. McNatt specified which municipalities were heading towards a 100% goal. Dr. Huntley said no examples were provided. Ms. Smith explained that the County had an executive order that all new

plantings on County property would be 100% native and did not think any municipalities followed suit and Mr. Spadafino agreed. Dr. Huntley asked if the plantings were on County land and not on private development and Ms. Smith confirmed. Dr. Huntley favored making the ordinance language stronger regarding a required minimum percentage of native plantings for all developments but was happy if it passed without the language.

Dr. Irvine thanked Dr. Huntley for her comments. He referred to line 401, page 11, and asked Mr. Spadafino if a yellowed line in the ordinance meant that it was changed instead of removed and Mr. Spadafino confirmed. Dr. Irvine said the line directed to the City website for additional guidance on native plants and what non-native species to avoid. Mr. Spadafino confirmed the living document would provide the updated plant lists and the 10-20-30% rule for planting, as mentioned prior. Dr. Irvine informed Dr. Huntley that her concerns were addressed in the living document and noted the question was whether the Parks & Recreation Department could be trusted with having discretion to use the ordinance so that developers would be required to use a mix of species. He believed the committee opted against explicit direction in preference to a changing reference document separate from the ordinance and suggested the CAC could alter its recommendation accordingly. Ms. Smith asked Ms. Scheld if the attachments were included in any emails and Mr. Spadafino stated he did not forward them to Ms. Scheld. Dr. Irvine asked for the formal name of the committee that created the document and Mr. Spadafino replied that the Landscape Screening and Treatment Ordinance Review Committee was responsible. Dr. Irvine asked which Department was responsible for the determination and Mr. Spadafino repeated that Parks & Recreation reviewed all landscape plans.

MOTION BY MS. CHAJES, SECONDED BY DR. HUNTLEY: THE CAC IS PLEASED TO RECOMMEND TO THE CITY COUNCIL TO APPROVE THE PROPOSED REVISIONS TO CHAPTER 32, ARTICLE XXV - LANDSCAPE SCREENING AND TREATMENT ORDINANCE DATED OCTOBER 26, 2020. THE CAC BELIEVES THAT THE ORDINANCE WILL BE BENEFICIAL TO THE CITY BECAUSE: IT RECOGNIZES THAT THE FOREST PROVIDES VALUE TO THE CITY; VALUES SMALL AND LARGE TREES; AND HAS AN ADDITIONAL DOCUMENT TO EMPHASIZE THAT MOSTLY NATIVE TREES AND SHRUBS SHOULD BE PLANTED DURING DEVELOPMENT PROJECTS. IN ADDITION, THE CAC BELIEVES THAT THE ORDINANCE CAN BE PUT INTO PRACTICE BY CITY GOVERNMENT. THE CAC WOULD HAVE PREFERRED IF THE ORDINANCE STATED THAT A CERTAIN PERCENT OF NATIVE TREES AND SHRUBS SHOULD BE USED IN A PLAN, HOWEVER, THE CAC RESPECTS THE DECISION OF THE LANDSCAPE SCREENING AND TREATMENT ORDINANCE REVIEW COMMITTEE TO NOT STATE THIS AND TO GIVE THIS DISCRETION TO THE PARKS AND RECREATION DEPARTMENT DIRECTOR AND STAFF.

MOTION PASSED. VOTE 5 TO 0.

AYE: Irvine, Smith, Matsumoto, Huntley, Chajes.

NAY: 0.

ABSENT: McDowell, O'Halloran.

Mr. Spadafino thanked the CAC, the Planning Commission, and Council for comments to help craft the document.

4. CURTIS MILL PLANTING UPDATE – SHEILA SMITH

Ms. Smith revealed that she purchased the plants in September while stock was available. She continued that she bought a combination of twelve trees and shrubs and visited Curtis Mill to prep the

area for planting. She noted the plant list was included in the September minutes but admitted some were too expensive, so she purchased others. She hoped to add more plantings to the area in the future and revealed City staff delivered leaf mulch to the location. She suggested the last two weekends in November as potential planting dates and asked for volunteers. Ms. Matsumoto offered to help and asked if three volunteers would be enough. Ms. Smith confirmed and explained the plants were one-gallon pots and the soil would be easy digging. She thought it would be helpful if Mr. McDowell invited some students and explained that she had prepared a plan and would demonstrate proper technique. She continued that Josh Shannon, Newark Post, asked if the CAC planned a reforestation project and Ms. Smith told him that the CAC was working on the plantings at Curtis Mill so she was hopeful there would be some press. Ms. Smith and Ms. Matsumoto would speak off-line to determine the best dates and would share with Mr. McDowell in case he wanted to invite students. Ms. Matsumoto asked if the City had a special COVID-release form and Ms. Smith would investigate. Dr. Huntley noted the Parks & Recreation activity all came with waivers and asked if the tree planting in Redd Park was still scheduled. Ms. Smith did not believe so and Ms. Matsumoto agreed it would be difficult given social distancing restrictions. Ms. Smith explained that staff's schedule was compact, so Mr. Zaleski was unable to coordinate. Dr. Irvine suggested the Curtis Mill project as a stand-in for the reforestation planting for the year and hoped to have a larger Reforestation Day in 2021.

5. STRAW FLYER DISTRIBUTION PLAN – CAC MEMBERS

Dr. Irvine reminded members of the discussion in October surrounding the resolution and explained the CAC needed to determine how to distribute the electronic flyers created by City staff. He admitted there was no merit for physical distribution in the current pandemic and thought electronic distribution made more sense. He suggested soliciting assistance from the Delaware Restaurant Association (DRA) and The Newark Partnership (TNP). He asked the group for more suggestions.

Ms. Matsumoto suggested a bookmark could be distributed from the library as residents picked up their books as a means to inform the community. Ms. Chajes asked if the DRA had a mailing list and Dr. Irvine said the DRA would not share the email list but believed they would view the resolution favorably as a low-cost, low-impact way to demonstrate their members' commitment to the environment. He explained the DRA held an education session for its members every February and suggested the CAC could share the flyers then. He had worked with the DRA on professional education programs through UD and offered to reach out for them to incorporate the flyer as part of a newsletter or education program. Dr. Huntley wanted to offer a physical flyer to the restaurants in their preferred format but noted that the CAC needed contact information first to solicit what restaurants wanted. She wanted to ask the DRA or TNP to survey their members for printing choices, on behalf of the CAC, to advertise the new straw policy.

Ms. Smith recalled previous discussion that the Fire Marshal would be involved in distributing the flyers and asked if the City would reach out to the restaurants via email per business licenses to inform about the resolution. Ms. Matsumoto credited Dr. Huntley for her presentation of the resolution to Council and shared that Council was very clear that City staff would not be heavily involved with the distribution and the responsibility fell to the CAC. Dr. Huntley agreed and noted multiple Councilmembers stated their desire that staff not spend further time on the flyers. Mr. Martindale had confirmed that staff would not commit further time to the endeavor. She believed Council was wary of adding to staff's workload. Ms. Smith asked if the restaurants were getting preliminary information on the straw resolution and Dr. Huntley did not believe so. Ms. Matsumoto asked if the City had a list of all the restaurants in the City for the CAC to use. Dr. Irvine confirmed the CAC needed to reach out and asked Ms. Scheld who to contact. Ms. Scheld reminded there was not a complete list and also reminded that the CAC would check

with restaurants to create its own distribution list. Dr. Irvine assumed there would be tax records or a list of registered City business and asked which department to contact and Ms. Scheld replied Planning. Ms. Smith asked if the CAC members had the sense that Council was not fully invested in the resolution and would not offer further assistance or enforcement. Dr. Huntley agreed that Council liked the optics of doing something that was easy and environmentally friendly. Ms. Matsumoto thought COVID made the situation difficult because she did not feel comfortable visiting Main Street to solicit opinions. Ms. Chajes offered to compile a list of every restaurant between North College and Library Avenue and to try to find contact information for the restaurants to use at the next meeting. Dr. Irvine noted Council passed the resolution, but he did not have a copy of the flyer and asked Ms. Chajes to get the final proof. He thought it was clear that the CAC would have to find a printer and be reimbursed through the City. He agreed that it was difficult for volunteer committees to execute without assistance from City staff and wanted to enact a two-tier approach and compliment Ms. Chajes' list with electronic outreach. He offered to send an email and the flyer to TNP and DRA and a distribution list of restaurants.

Dr. Irvine noted the resolution did not give the CAC any means to measure the reduction of straw usage. Dr. Huntley pointed that the resolution tasked the CAC with reporting on progress next year, so the members needed to determine how to proceed. Dr. Irvine said the CAC could measure outreach but could not measure straw usage unless there was a survey. Ms. Scheld displayed the resolution and Dr. Huntley corrected that the CAC was not tasked with reporting on the reduction in straw usage but was responsible for collecting data regarding the adoption rate of the straws upon request policy. She continued that once the CAC had a restaurant list, the members could check which ones were currently following the policy and compare in a year. Ms. Smith recalled a conversation about partnering with Ms. O'Halloran's program and involving a student group and Dr. Irvine confirmed it could be part of an outreach effort. Ms. Smith asked who the CAC would speak to at UD to involve a student group. Dr. Irvine did not think the CAC could outsource but did believe it could engage the students to assist and appreciated the draft list proposed by Ms. Chajes. He wanted to establish a current percentage of restaurants that had already adopted the policy and determine if there were behavioral changes after the CAC distributed the educational materials. He wanted to measure through a survey and outreach and update the list every other meeting. He thought the CAC could involve the registered student organizations to help talk to restaurant owners and patrons.

Dr. Huntley asked Ms. Scheld if a collaborative document was considered a FOIA violation. Ms. Scheld replied that the document had to be public and all members had to have access. Dr. Huntley noted that most members did not have access to the Dropbox so she would make a separate Google document and create a public link. Dr. Irvine explained he had gotten the Dropbox owner rights from AJ Prasad and he would give members access and confirmed that Dropbox was appropriate if all members had access. He reiterated that the resolution had passed, and the CAC needed to operationalize the distribution and measure the impact without City staff support. He would give members access to the Dropbox to add the draft list for updates. Ms. Smith offered to begin at Suburban Plaza on South Main and continue to Deer Park. Dr. Irvine asked Ms. Chajes to request the high DPP pixel content flyer from Ms. Gravell. Ms. Matsumoto offered to call the library to determine willingness for the bookmark flyers. Dr. Irvine supported the bookmark suggestion and believed Ms. Gravell could reformat the flyer into a smaller bookmark for Vistaprint to print on a thicker cardstock. He offered to include the UD library so students would be aware and thanked Dr. Huntley for representing the CAC at the Council meeting.

6. FLOODING AND RIPARIAN BUFFER EDUCATION – HELGA HUNTLEY AND BOB MCDOWELL

Deferred to December.

7. ANTI-IDLING AND PUBLIC EDUCATION UPDATE – SHEILA SMITH AND ROBYN O’HALLORAN

Ms. Smith informed the shopping center across from the City building was under new ownership and wondered who would speak to the owners about installing anti-idling signage. She wanted to defer the discussion until after the pandemic was over. Dr. Huntley suggested Ms. Smith contact the Council person and request a conversation between the CAC and the owner about sign installation. Ms. Smith would reach out to Councilperson Hamilton.

Dr. Irvine asked that the topic be added to the December agenda so Ms. O’Halloran could present provisional information on measures taken by Newark Police.

8. MONTHLY CONSERVATION ARTICLE WITH THE NEWARK POST – SHEILA SMITH

Ms. Smith thanked Ms. Chajes for helping with the November article and hoped it would be in the next edition of the Post. She wanted to make a habit of sharing the articles with everyone to publicize the CAC’s efforts. Dr. Irvine asked Ms. Smith to forward the articles to Ms. Gravell and suggested that Ms. O’Halloran reach out to the Review. Ms. Smith confirmed that Mr. Shannon approved of reprinting the articles in other sources as long as the Post was first. Dr. Huntley asked if the articles were due the last Friday of the month and Ms. Smith confirmed. Ms. Matsumoto noted the Post already published an article on the straw resolution. Dr. Irvine thanked Dr. Huntley for submitting a possible structure for the restaurant list and suggested that Ms. Chajes add a column for the month the policy was adopted so the data could be charted over the year.

- December – Sustainability, Helga Huntley
- January – Plastic Bags, Robyn O’Halloran
- February – Annual Report, George Irvine
- March – Spotted Lanternfly, Sheila Smith
- April – Composting, MaryClare Matsumoto, Robyn O’Halloran

9. PLANNING & DEVELOPMENT REPORTS

Dr. Huntley noted there was discussion at the October meeting regarding the annexation of the new area and added that the CAC received guidance that the CAC should not involve themselves. She investigated the CAC’s mission based on the law and revealed the CAC was supposed to advise Council on the utilization of land which she interpreted as land use. She asked City Solicitor Bilodeau for clarification and explained his response was that the CAC was not supposed to comment on specific proposals but was allowed, and asked, to provide guidance for general principles of land use. She acknowledged there were specific proposals on which members wanted to comment but emphasized the CAC was not permitted. She suggested the CAC could craft its concerns to create a general policy as a way to impact land use from a conservation point of view without violating the terrain of the Planning Commission. She reiterated it would never be the CAC’s role to maintain that a proposal conflicted with the CAC’s guidance, but the CAC could propose that Council put guidelines in place. She asked the members if her suggestion would be a proper use of the CAC’s time. She believed the guidelines should be included in the Comprehensive Development Plan (CDP) so the CAC could ask Council if it was appropriate for the CAC to make a recommendation to the CDP Review Committee about including specific conservation-minded guidelines. She wanted the CAC to be involved earlier in the process.

Ms. Smith said she was also considering the relationship of the Development Plan to the Sustainability Plan and agreed the CAC could continue to tie the two together as it created policy guidance. Dr. Irvine thought that Dr. Huntley's solution was elegant and acknowledged he had attempted to craft a response to Mr. Bilodeau. He acknowledged per its charter, the CAC was empowered to discuss land use and had the power to make recommendations in broad terms. He thought the CAC could also recommend that Council pass on the CAC's suggestions to the Planning Department regarding the CDP. He felt the CAC was held back by the charter and Dr. Huntley's suggestion was a way to use the charter to the advantage of informing Council.

Ms. Chajes reviewed the Sustainability Plan goals cited in Mr. Bilodeau's letter and admitted each one was assigned to a responsible entity and much of the land use fell to the Planning Commission. She pointed out that it was the CAC's job to oversee the implementation of the Sustainability Plan and comment on inconsistencies. She noted that multi-modal transportation should be a consideration under the Sustainability Plan and Ms. Smith agreed. Ms. Smith asked Dr. Huntley if the language in the Sustainability Plan was enough for the CAC to be proactive about its desires for development or if it was necessary to add to the Sustainability Plan. Dr. Huntley agreed that it would be helpful if some of the concepts were picked up in the revision of the CDP. She was under the impression that the Planning Commission did not pay much attention to the Sustainability Plan, but the CDP was considered legally binding and thought the CDP offered more visibility.

Ms. Smith emphasized that the CAC needed to attend the steering committee meetings and asked if they had begun. Ms. Matsumoto admitted she did not listen but believed the meetings were set to begin in November. Dr. Huntley asked if the meetings would be publicly announced and Ms. Scheld confirmed. Dr. Irvine suggested the CAC could consider a broad recommendation to Council in regard to ensuring that the Sustainability Plan and the CDP were knitted together appropriately to foster discussion at the City Council level. Dr. Huntley agreed. Ms. Matsumoto wondered if encouraging green energy was broad enough and thought some deed restrictions were too restrictive to allow solar or composting. Dr. Irvine confirmed that the CAC could not be specific about a particular project or piece of land to claim that by-laws or deed restrictions were inappropriate as it was not within the CAC's purview but reiterated the CAC could encourage Council to construct policy framework with concepts related to land use. Ms. Matsumoto informed her neighborhood required residents to clear plans with direct neighbors before installing solar. Ms. Chajes informed that there could be deed restrictions that continued as legacy, but new developments were not allowed to prohibit solar power.

Dr. Irvine asked that the members consider aspects of the Sustainability Plan prior to the December meeting and suggested they focus on land use components. He cautioned that Council would not want a long list of CAC recommendations without details and suggested narrowing the topic to three broad points in regard to land use. He agreed with Dr. Huntley that the CDP was viewed as more legitimate and wanted the Sustainability Plan to inform the CDP. Ms. Smith agreed that the Sustainability Plan needed elevating and had the advantage of already being written while the CDP was not. She wanted the CAC to be heard and Dr. Irvine suggested the first recommendation could include the importance of using the Sustainability Plan to inform new CDP and that the CAC strongly encouraged Council to recommend the Sustainability Plan to the Planning Department and the Planning Commission. Dr. Irvine thanked Dr. Huntley for her suggestion.

10. OLD/NEW BUSINESS

Dr. Irvine wanted to divvy up the 2020 annual report at the December meeting. He reminded members to inform Ms. Scheld of future agenda topics.

Ms. Scheld displayed the November 3rd Planning Commission agenda and noted one item was the status update of the Steering Committee. She recommended that members read the minutes when they were available. Ms. Matsumoto informed that the admin responsible for the Planning Commission meeting minutes retired so there could be a lag in publishing the minutes but indicated the audio files were available. Dr. Irvine suggested Ms. Smith speak to Will Hurd for updates.

11. NEXT MEETING – DECEMBER 8, 2020

MOTION BY MS. MATSUMOTO, SECONDED BY MS. SMITH TO ADJOURN THE MEETING.

The meeting adjourned at 9:13 p.m.

Nichol Scheld
Administrative Professional I

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