


**MEMORANDUM**

TO: North Castle Planning Board

CC: Adam Kaufman, AICP  
John C. Sullivan, Rosedale Nurseries  
Elise Brickell, President

FROM: John Kellard, P.E.   
Kellard Sessions Consulting  
Consulting Town Engineers

DATE: April 22, 2021  
**Revised October 8, 2021**

RE: Whippoorwill Hills Homeowners Association  
345 Main Street – Log Cabin Way & Cider Mill  
Section 107, Block 16, Lot 1-7

---

As requested, Kellard Sessions Consulting has reviewed the documents submitted in conjunction with the above-referenced project. The applicant is proposing the restoration of Homeowner Association Property, including the replanting of deciduous trees, to replace nine (9) Town regulated trees, which had been removed by an adjacent property owner without prior authorization from the Homeowner Association or a Tree Removal Permit from the Town. The common HOA property is ±19.15 acres and is located within the Residential Multi-Family (R-MF) Zoning District.

Our comments are outlined below.

**GENERAL COMMENTS**

1. The applicant has provided a Tree Replacement Plan for the Planning Board's consideration. The plan, however, is difficult to read and we would request a clearer copy be provided for subsequent review. As described in the applicant's cover letter, a total of nine (9) deciduous trees were removed from their common HOA property, located along the south side of the entry drive. The removals were performed by an adjacent property owner without prior approval. The applicant proposes to replant this common space with a mix of nine (9) deciduous trees in the same general location.

**Revised October 8, 2021**

Page 2 of 2

2. Access to this portion of the property is limited and surrounded by steep slopes. This common area contains a number of mostly deciduous and some evergreen trees with an understory of various brush and vegetation. The notes on the Tree Replacement Plan appear to indicate that access for planting is proposed to be accomplished via a mini excavator and accessway to traverse the adjacent hillside and that cleared underbrush would be used to create a stable temporary access path. This should be clarified on the plan. If no additional tree removal is proposed, the plan should clearly state so. The plan should also illustrate any temporary erosion and sediment controls that may be required such as silt fence and tree protection.

**The applicant will access the work area through the neighboring Arcamone's property, thereby avoiding work within the steep slopes. The Contractor should install erosion controls, as necessary.**

3. In addition to the deciduous trees proposed to be planted by the applicant, and to further their desired effort to achieve some level of immediate screening, the applicant may wish to consider supplementing the proposed plantings with a mix of native evergreen trees.

**The applicant has requested foregoing the planting of evergreen screening, which is their prerogative.**

4. The Tree Replacement Plan should include a note indicating that disturbed areas required to gain access to the planting would be re-established with an appropriate seed mix. The proposed mix should be specified on the plan **or noted within the permit.**
5. This office met with representatives of the HOA shortly after the tree removal had occurred. At that time, the HOA was considering additional improvements in this common area, including minor repairs to existing boulder walls, installation of chain link fence and additional removal of dead or diseased trees and/or removal of understory brush, bramble and vines. This office is amenable to all of these potential improvements and recommends that, if they are still desired by the applicant, that they be included in this plan for approval **or noted within the permit.**

As additional information becomes available, we will continue our review. It is noted that an itemized response to all comments will facilitate completeness and efficiency of review.

**DOCUMENTS REVIEWED:**

- Letter, prepared by Whippoorwill Hills Homeowners Association, Inc., dated September 23, 2021
- Letter, prepared by Joe Valvano & Sons, dated September 22, 2021

JK/dc