

**STAFF REPORT: 03/25/2025 REGULAR MEETING**

**PREPARED BY: D. RIEDEN**

**APPLICATION NUMBER: HDC2025-00053**

**ADDRESS: PUBLIC RIGHTS-OF-WAY AND EASEMENTS**

**HISTORIC DISTRICTS: ARDEN PARK-EAST BOSTON, BOSTON-EDISON AND NEW CENTER AREA HISTORIC DISTRICTS**

**APPLICANT: DTE/JULIE A JOZWIAK AND SARAH KOSMICKI-JOHNS**

**PROPERTY OWNER: CITY OF DETROIT**

**DATE OF PROVISIONALLY COMPLETE APPLICATION: 02/17/2025**

**DATES OF STAFF SITE VISITS: 02/28/2025**

**SCOPE: TRIM TREES AND REMOVE BRUSH ALONG OVERHEAD POWER LINE EASEMENT AND PUBLIC RIGHTS-OF-WAY**

This staff report contains two proposals:

- 1.) An application for work in three local historic districts: Arden Park – East Boston Historic District, Boston-Edison Historic District and New Center Area Historic District as submitted through the HDC application process as application number HDC2025-00053.
- 2.) A proposal for a draft resolution regarding DTE's tree trimming work in all local historic districts, based on an approach satisfactory to the Commission in these initial districts.

Staff presents the application first, followed by the staff's proposed resolution later in this report.



*Site Photo 1, by Staff February 28, 2025: Arden Park HD, Brush Street between Belmont and East Boston Boulevard (facing east) showing alley and overhead powerline conditions. The branches and trunks that are within 15' of the overhead lines or poles are subject to "enhanced" maintenance according to this proposal. See figure 1.*



*Site Photo 2, by Staff February 28, 2025: Boston-Edison HD, at the southwest corner of Glynn Court and Second Avenue (facing west) showing public right of way and overhead power line conditions. Staff observed the potential impact of trimming practices for these historic-aged hawthorn trees (left) and received confirmation from the applicant that this area is NOT subject to trimming. See figure 2.*

## **EXISTING CONDITIONS**

The geographic scope of this project, as received from the applicant, is in the public rights-of-way and easements along alleys in three historic districts as follows (*See also figures 1-3*):

- 1.) Arden Park- East Boston: along the alley behind East Boston Avenue, between Woodward Avenue and Oakland Street.
- 2.) Boston-Edison: the public right-of-way along Glynn Court between Woodward Avenue and Hamilton Avenue.
- 3.) New Center Area: the alley behind Virginia Park and Seward St, from Woodward Ave to 2<sup>nd</sup> Avenue, and the alley behind Seward Street and Delaware Street between Woodward Avenue and 3<sup>rd</sup> Street

Running parallel to the east-west streets, these alleys are primarily located between residential lots paved with concrete. The scope area for this proposal is the overhead power lines that run through these alleys and along the public right-of-way along Glynn Court. The easement granted by the City to the local utility company for maintaining these powerlines is the area of concern for this proposal.

The development of Arden Park-East Boston Historic District was a result of Detroit's industrial boom at the turn of the century, according to the Historic District Advisory Board's (HDAB) report, described by a 1912 advertisement:

*"Arden Park is laid out with two 22-foot, asphalt-paved drives, in between which are beautiful parks, averaging from 49' to 70' in width, which are planted with handsome shrubbery and studded with splendid trees. It was the intention of the management from the beginning - and they have so far succeeded - to have no piping or wiring of any nature under the pavement, thus making it unnecessary to disturb or tear any of it up at any time. The gas mains have been laid in the alleys, and the water mains, consisting of six-inch pipes, are laid on both sides of the street between the walk and curb. Hr. Broock originated the idea of parking [make a park of] the Woodward Avenue frontage and deeding it to the owners of Arden Park for their use, benefit and enjoyment in perpetuity."*



*Photo by Detroit Public Library Digital Collections, January 26, 1911: Arden Park from Woodward Avenue facing east, showing entrance and tree-lined street.*

The commercialization of Woodward was a concern raised in 1910, a period of rapid growth and expansion of Detroit's commercial and industrial corridors. Arden Park-East Boston Historic District provided an open space reprieve from this type of development.

According to the National Register of Historic Places, Boston-Edison Historic District is one of Detroit's earliest developments, the area between Woodward and Hamilton was incorporated into the city in 1891, *"While the basic architectural style is eclectic, a uniformity of roof line, scale, and setback from the street, as well as the presence of wide tree lined street establishes an ambience of relaxed suburban living of an earlier age."*

Just south of these neighborhoods, New Center Area Historic District consists of a tree-lined grid system of streets, which according to the HDAB report were originally paved with cedar (except for Virginia Park Avenue, which was paved in brick), and alleys. Like its northern neighbors, concern was raised as early as 1910 about rapid increase in commercialization along Woodward Avenue. In response, residents along Virginia Avenue formed an association, relandscaped the entrances to their neighborhood, and renamed the street and neighborhood "Virginia Park". In a March 26, 1911 Detroit Free Press article titled, "Property Owners on Virginia Avenue Teach a Lesson in Civic Patriotism in Plan to Preserve Exclusive Residence Setting":

*"Unique beyond anything yet devised in this city and strikingly original in the method of development is the plan by which property owners along Virginia Avenue propose to increase the natural beauty of their street and perpetuate it as a park-like thoroughfare, exclusively devoted to fine residences."*



## PROPOSAL

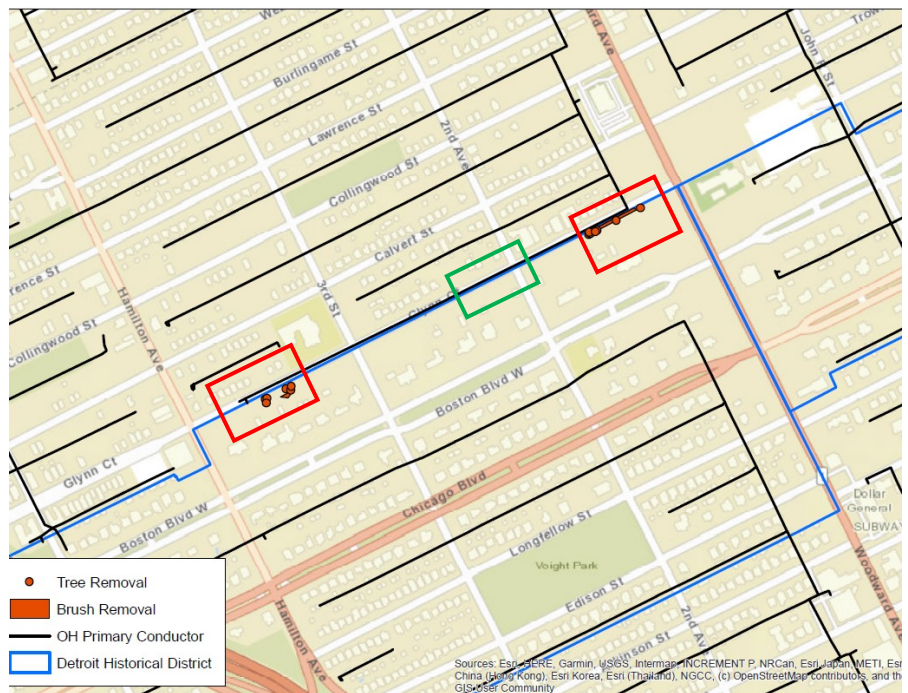
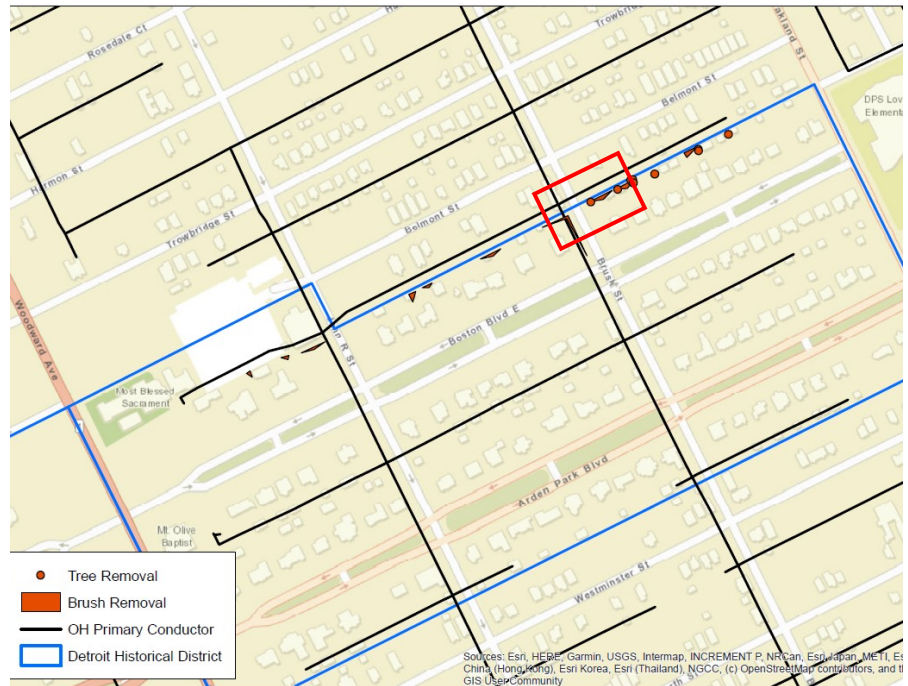
The applicant proposes to trim trees along the overhead power line corridors of Arden Park-East Boston, Boston-Edison, and New Center Area Historic Districts as shown in attached maps (See figures 1-3). This work includes cutting away any brush vegetation that may grow in the alleys along these routes, including trees and within the following distances from the following utility equipment. The description of proposed work is grouped under “Enhanced” and “Standard” maintenance practices according to the applicant (See figures 4 & 5) :

### Enhanced Maintenance:

- This practice is followed when a pre-conversion (new poles and wires) is coming to an area soon.
- This proposed work pertains to Arden Park-East Boston and Boston-Edison Historic Districts (See figures 1 & 2).
- Cut any vegetation within 15’ of the outermost conductor overhead lines.
- Attempt to remove all trees within 15’ of either side of the utility poles along the ground that are less than 18” dbh (diameter at breast height).
- Trim all trees that are not removed to provide 15’ of clearance from utility poles along the ground.
- At the top of the utility poles, clear any vegetation within 5’ of the pole.
- No overhang of branches will remain above the overhead lines.

### Standard Maintenance

- This is standard maintenance by the applicant’s definition.
- This proposed work pertains to New Center Area Historic District. (See figures 3).



- Cut any vegetation within 10' of the outermost conductor overhead lines.
- Attempt to remove all trees within 15' of either side of the utility poles along the ground that are less than 18" dbh (diameter at breast height).
- Trim all trees that are not removed to provide 15' of clearance from utility poles along the ground.
- At the top of the utility poles, clear any vegetation within 5' of the pole.

The submitted application contains lists that indicate approximate size, counts and species of trees that will be trimmed or removed by this proposed work in each district.

Staff requested a proposed period for this work, which has not been received at the time of this report.

## STAFF OBSERVATIONS AND RESEARCH

- The Arden Park – East Boston Historic District was established in 1981. Its Elements of Design (Sec. 21-2-123) provide the following guidance:
  - (12) *Walls of Continuity*: "...Where trees in rows on the tree lawns have survived in sufficient numbers and where new ones are planted, minor walls of continuity are created."
  - (13) *Relationship of significant landscape features and surface treatments*: "...The American elm is virtually extinct in the district, though once the dominant tree. Replacement trees have been planted; additional trees should be characteristic of the area and

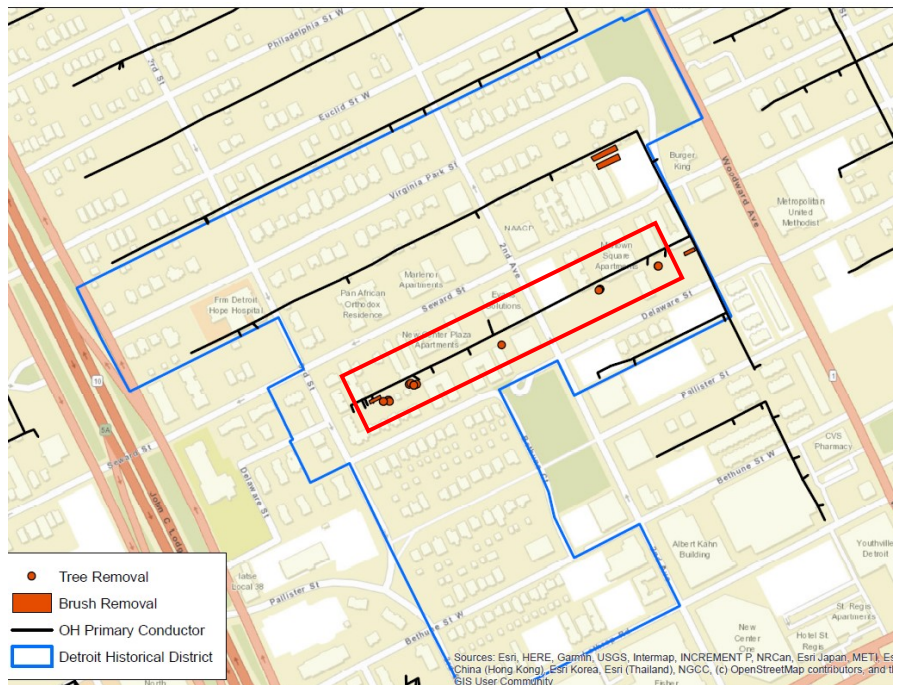
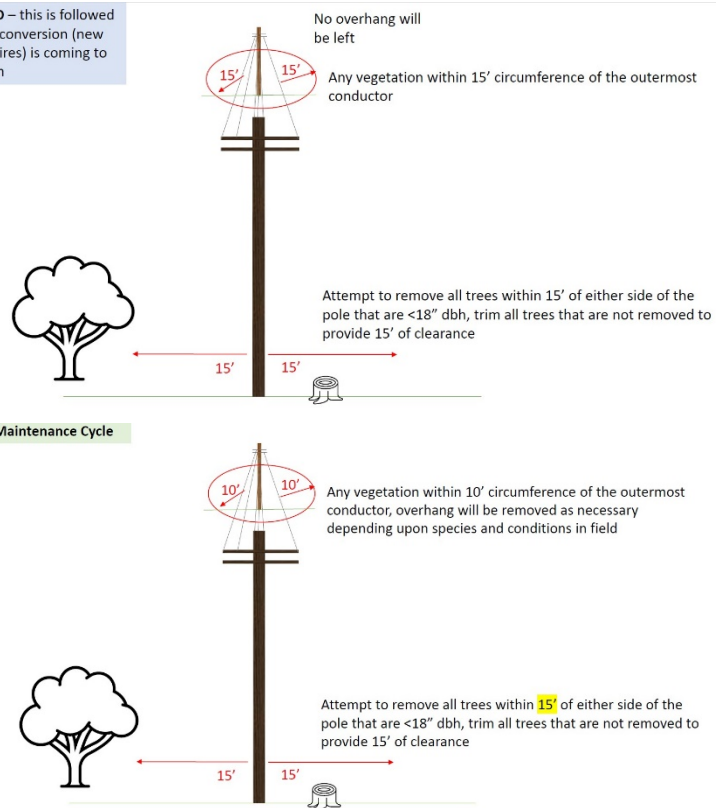


Figure 3, New Center Area HD by Applicant: showing extent of tree and brush trimming and removal along overhead powerlines. The red box was added by HDC staff to show locations of photos and observations.

ENCHANCED – this is followed when a pre-conversion (new poles and wires) is coming to an area soon



Figures 4&5, tree trimming maintenance practice by Applicant: showing clearance distances from utility equipment where trees and vegetation will be trimmed or cut.



*the period. American elms would only be a practical choice if disease-resistant. Plantings of new trees should be directed toward the restoration of the former straight-line rows of large trees on the front yards and "tree lawns."*

- The Boston-Edison Historic District was established in 1973. Its Elements of Design (Sec. 21-2-106) provide the following guidance:
  - (12) *Walls of Continuity*: "... Minor walls of continuity are created where rows of trees have survived in sufficient numbers or new trees are planted in rows, and where hedges along front lot lines exist in numbers."

- The New Center Area Historic District was established in 1982. Its Elements of Design (Sec. 21-2-129) provide the following guidance:
  - (13) *Relationship of significant landscape features and surface treatments*: "... Trees are evenly spaced on the tree lawn; ... Alleys are paved in either asphalt or concrete, the exception being the alley north of Delaware east of Second, which is brick."

- Staff observed that past work in other neighborhoods by contractors to the utility company includes a trimming practice called, "sky to ground" where trees are limbed from the sky to the ground plane within the easements and their setbacks. This practice has left trees unbalanced and exposed to disease, thus, potentially causing harm to property by the loss of canopy and potential damage should the tree fall on private property (*see site photo 3*). It is staff's observation that the work proposed in this application under "Enhanced" and "Standard" maintenance practices is NOT representative of this "sky to ground" practice of work.
- Staff has no issue with the removal of trees, shrubs or other volunteer vegetation that may grow from the alleys' surface. Trees growing from these utility corridors are not historic features and may be removed under the ordinance as "ordinary maintenance".
- Trees that are of historic age, rooted outside of alleys, and have a canopy over the alley are those that staff observed carefully for potential conflicts with this proposed work. Historic age trees are defined as those that are 50 years or older or have other historic significance.
- Most tree species observed in the alleys by staff are considered "weed trees" and are not of historic significance, which means that they are mostly likely present due to neglect for care in the landscape and should be removed to maintain the health and historic beauty of the intended species' canopy.



*Site photo 3, by staff August 5, 2024, Russell Woods-Sullivan HD, alley between Sturtevant and Cortland streets, east of Holmut (facing east), showing "sky to ground" trimming practice.*

- The standard for tree *pruning*, particularly when performed by professionals who are focused on the health, structure and productivity of a tree, is largely based on the American National Standards Institute (ANSI) A300 Tree Care Standards, which are recognized as the industry standard and endorsed by organizations like the International Society of Arboriculture (ISA) and the Tree Care Industry Association (TCIA). Tree *trimming* activity is primarily focused on maintaining the desired shape or size and does not necessarily involve the plant's health (ie., "topping" a tree, which cuts the crown of the tree, is not an acceptable ANSI A300 pruning practice). Pruning is best executed during the dormant season (before bud break), which is generally December through March 15<sup>th</sup>, to prevent disease. Staff requested a scheduled period of work from the applicant, which has not been provided at the time of this report. Regardless of the timing, staff found no evidence of historically significant trees that would be affected by the proposed work.



*Site photo 4, by staff February 28, 2025: Boston-Edison HD, on Glynn Court between Second Avenue and Third Street (facing east), showing public right of way and overhead power lines. Staff observed that the flowering crabapple trees between the street and walkway are NOT listed for removal.*

- Staff visited and photographed the proposed sites in each of the three historic districts (see figures 1-3 and site photos 1-5) and observed the following conditions: near all vegetation would be considered weed species immediately in or along the alley edges. Staff has no issue with clearing these trees, vines and shrubs.
- The applicant's tree removal list contains "elm" species. Some of these species could be historically significant. However, upon visiting sites, staff found that they were not historically significant and would be considered a "weed" variety: i.e., "Chinese elm".
- Site Photo 2, by Staff February 28, 2025: Boston-Edison Historic District, at the southwest corner of Glynn Court and Second Avenue (facing west) showing public right-of-way and overhead power line conditions. Staff observed the potential impact of trimming practices for these historic-aged hawthorn trees (left) and received confirmation from the applicant that this area is NOT subject to trimming. See figure 2.
- In Boston-Edison Historic District along Glynn Court near Second Avenue, staff observed on site several historic-aged hawthorn trees where the canopy is near the overhead powerlines. Staff received confirmation from the applicant that this area is NOT subject to trimming in this proposal. (See figure 2 and Site photo 2.)
- In Boston-Edison Historic District along Glynn Court between Second Avenue and Third Street, staff observed a series of crab apple trees beneath the powerlines. They are NOT listed for tree removal. (See figure 2 and Site photo 4.)



*Site Photo 5, by Staff February 28, 2025: New Center Area HD, alley between Seward Street and Delaware, east of 2<sup>nd</sup> Avenue (facing east) showing alley and overhead powerline conditions.*

## ISSUES

- None.

## **RECOMMENDATION**

### **Section 21-2-78, Determination of Historic District Commission**

#### **Recommendation 1 of 1, Certificate of Appropriateness**

Staff recommends that the proposed work will be appropriate according to the Secretary of Interior's Standards for Rehabilitation and the Arden Park – East Boston, Boston-Edison and New Center Area Historic Districts' Elements of Design.

## **DRAFT RESOLUTION 25-01: Approval for DTE Energy Company Tree Trimming and Removal in Historic Districts**

### **BACKGROUND**

The Commission has received previous applications from DTE regarding tree trimming and removal in Historic Districts that have similar work regarding tree trimming along overhead power line corridors. The most recent was in August 2024 for the alleys of Oakman Boulevard and Russell Woods-Sullivan Historic Districts. The proposed work received a Certificate of Appropriateness (COA) with a condition that sought consideration for a local neighborhood park's trees: the radius around secondary overhead powerlines and equipment was no more than 5' clearance. (Here is a link to the [property page](#) for your reference.) Prior to this application and since, staff worked with DTE, the Commissioners, and city staff to draft a resolution that could potentially support addressing Commission's concerns and streamlining a routine process that appears to be mostly a matter of routine maintenance for these overhead powerline corridors. Staff has drafted a resolution, which contains points of clarity between the Commission and DTE, appears to be arriving at a potential resolution. *(See draft resolution in Appendix A.)*

### **AREAS FOR DISCUSSION/CLARITY**

Staff recognizes the balanced need to maintain a historic tree canopy and the welfare of the community by maintaining power lines that are safe from potential storm damage. Staff recommends reading the draft resolution in Appendix A first and using the following notes as guidance to areas that are highlighted below. Please note that this resolution is focused on tree maintenance and removal. Staff has no issue with removal of scrub material and sees this as ordinary maintenance, which is not subject to this resolution.

- **TRIMMING RADIUS-** Tree trimming activity has 3 levels of clearance:
  - New installation of equipment requires the most space and has a 15' radius from poles, equipment and conductors (ie., overhead powerlines).
  - Maintenance of existing primary equipment and conductors requires a 10' radius of trimming.
  - Maintenance of existing secondary equipment and conductors requires a 5' radius of trimming.
  - Primary equipment and conductors are defined by high voltage lines carrying electricity from substation to transformers. Secondary equipment and conductors are lower voltage lines carrying electricity from transformers to home or business. According to DTE, secondary conductors are the most common in the residential areas.
  - Staff recommends a less aggressive trimming practice that is 10' rather than the 15' clearance radius for historically significant trees, which is partially reflected in the distinction of primary and secondary lines.
- **TREE REMOVAL** – Trees less than 6" DBH can already be approved by HDC for removal under Resolution 20-03. This is the premise on which the same diameter of tree be allowed for DTE to remove without additional review. Trees greater than 6" DBH should be submitted to the Commission for review and approval before work. The Commission should note that DTE does not perform stump removal or removal of portions of a tree that is embedded in fencing. HDC Staff recommends that stumps be grinded to the ground surface and removed from fencing provided that this causes no harm to historic features.

- TIMING - Staff recommends trimming historically significant trees during the late fall/winter season to reduce potential disease for these trees.
- REMOVAL of DEBRIS – DTE has a policy to leave dead wood on the property where the tree is cut or removed, so as not to spread disease. Live wood would be chipped and removed by DTE if under 4” diameter. Larger size wood would be stacked on site and left on the property.
- REMOVAL OF STREET TREES – DTE has participated in tree planting efforts with the city but does not replace specific trees on site. Trees that are removed in the public right-of-way are not replanted.
- DTE has recommended that the following items be removed from an earlier draft resolution. These concerns were either stated by the Commission and/or recommended by staff. Staff presents these removed sections below for the Commission to confirm their removal from the resolution:
  - *REPLACEMENT OF “TOPPED” TREES: If a tree greater than 8” DBH is “topped”, ie., if over 25% of the tree’s canopy is removed, its health is effectively compromised. If the removal of over 25% of a tree’s canopy/topping is required, DTE shall make an offer to replace the tree with a new tree of an appropriate species to the City of Detroit if located on public property or to the owner if located in private property. HDC staff shall be afforded the opportunity to approve the species and location of any such new tree prior to its planting.*
  - *REPLACEMENT OF PRIVATE TREES: Should a property owner agree in writing, the removal of protected trees on private property, at or near an alley, is hereby approved, under the condition that DTE shall offer to plant an appropriate replacement tree at a different location within the parcel.*
- Finally, the practice of “sky to ground” cutting for any large trees, historically significant or not, creates a danger to the health of the trees that remain and a danger to the surrounding structures. This practice introduces a form of visual blight that destroys the continuity of a historic tree canopy. This resolution does not clearly call this out in its current version because DTE has stated that this practice is not used. However, the practice has appeared in some of Detroit’s communities.

Should the Commission decide not to go forward with this resolution at this time, staff looks forward to continuing a conversation with DTE to work together on a potential resolution that may incorporate mutual understanding and best practices across city historic districts.



## **APPENDIX A: DRAFT RESOLUTION 25-01**

## **Detroit Historic District Commission**

### **DRAFT RESOLUTION 25-01**

#### **Approval for DTE Energy Company Tree Trimming and Removal in Historic Districts**

**BY COMMISSIONER \_\_\_\_\_**

**WHEREAS**, the Michigan Local Historic Districts Act, that being MCL 399.205, requires that a permit shall be obtained before any work affecting the exterior appearance of a resource is performed within a historic district, and that the person, individual, partnership, firm, corporation, organization, institution, or agency of government proposing to do that work shall file an application for a permit with the inspector of buildings, the commission, or other duly delegated authority;

**WHEREAS**, Sections 21-2-71 through 21-2-73 of the 2019 Detroit City Code require that before work commences within an historic district, an interim historic district, or proposed historic district, the person, individual, partnership, firm, corporation, organization, institution, or agency of government shall seek approval of the Detroit Historic District Commission (HDC), being the Commission empowered by state law;

**WHEREAS**, the DTE Energy Company (DTE) has properly submitted an application to the Commission for tree trimming and tree removal work in support of electrical infrastructure improvements in historic districts city-wide, and the Commission has duly considered the appropriateness thereof pursuant to Chapter 21, Article II of the 2019 Detroit City Code and MCL 399.205 of the Local Historic Districts Act;

**THEREFORE BE IT RESOLVED** that DTE and/or its contractors are hereby issued a Certificate of Appropriateness (COA) in all locally-designated historic districts for the purpose of trimming and removing trees under the following conditions:

- **TRIMMING RADIUS:** Trees shall not be trimmed more than 15' radius from poles, equipment, and conductors (i.e., overhead wires) when *new* equipment is installed. Trees shall not be trimmed more than 10' radius from *primary* existing equipment and conductors. Trees shall not be trimmed more than a 5' radius from *secondary* existing overhead powerlines and equipment. Primary conductors are defined by high voltage lines carrying electricity from substation to transformers. Secondary conductors are defined by lower voltage lines carrying electricity from transformers to home or business.
- **TREE REMOVAL:** Trees may be removed with a DBH (ie., diameter at breast height or 4.5 ft above grade) less than 6" in a Local Historic District. For trees greater than 6" DBH, DTE shall submit to the commission a list of locations and tree types that it considers candidates for removal (work does not include stump removal, or removal of tree portions embedded in fencing);



- **TIMING:** Trimming season for oak trees shall endeavor to be held only during the months of December through March 15<sup>th</sup> to prevent disease; DTE shall provide a schedule of trimming activity over the course of a year to HDC staff.
- **PROTECTION:** DTE shall employ preventative measures to preserve landscapes such as the use of lawn protection mats to prevent damaging lawns. Any landscapes/plants heavily damaged or destroyed by the work (either directly or within one calendar year due to excessive disturbance or transplantation) shall be replaced by DTE with identical species/cultivars of similar size, type, quantity, and quality, and installed by qualified landscape contractors. At vacant/abandoned properties and/or parcels owned by the City of Detroit, DTE shall consult with HDC staff prior to the commencement of any work. All tire ruts left by equipment must be repaired with topsoil and grass seed. All repairs shall be warranted by DTE or its subcontractor for one (1) calendar year.
- **REPAIR:** Where disturbance to other elements within districts (including sidewalks, streets, shrubs, lawns, irrigation, curbing, etc.) results from the proposed work, the affected area shall be restored to its pre-constructed condition. Historic built/architectural elements disrupted by the work shall be retained, securely stored and properly reinstalled; reproductions shall not be permitted. Any trees, shrubs, perennials, groundcovers, lawns, or similar permanent plantings (to include underground bulbs, rhizomes, etc.) shall be preserved and protected *in situ* to the extent feasible. DTE shall request that the property owner identify such plantings prior to commencement of the work. Plantings that are not identified by the owner to DTE shall not be DTE's responsibility.
- **REMOVAL of DEBRIS:** DTE will not remove dead wood so as not to spread disease. Wood 4" and larger diameter will be cut into manageable pieces and left neatly piled on the property. All smaller debris (which is not dead wood), DTE will chip and remove from the property.
- **REMOVAL of STREET TREES:** DTE may remove street trees, defined here as trees in the public right-of-way between the street and the public sidewalk, only upon their satisfaction of the following conditions:
  - A City of Detroit arborist or forester has specifically approved the removal of the subject tree, and;
  - HDC Staff has reviewed and approved tree removals, and;
  - Replacement of City-owned trees will be referred to the City of Detroit's General Services Department's forester.
- **SUPPORT:** HDC staff shall be available to consult with DTE on work in historic districts.

Dated: March 25, 2025