

**VILLAGE OF WINNETKA
ENVIRONMENTAL & FORESTRY COMMISSION
REGULAR VIRTUAL MEETING**

Zoom
April 14, 2021
7:00 PM

AGENDA

In accordance with social distancing requirements and Governor Pritzker's Executive Orders 2020-43 and 2020-44, and Senate Bill 2135, the Village of Winnetka Environmental & Forestry Commission Regular Meeting on April 14, 2021 will be held virtually beginning at 7:00 PM. The meeting will be livestreamed via the Zoom platform. At least one representative from the Village will be present at Village Hall in compliance with the Bill, and the virtual meeting will be simulcast at Village Hall for members of the public who do not wish to view the virtual meeting from another location. Pursuant to Executive Orders 2020-43 and 2020-44 issued by the Governor, the number of people who may gather at Village Hall for the meeting is limited due to the mandated social distancing guidelines. Accordingly, the opportunity to view the virtual meeting at Village Hall is available on a "first come, first-served" basis.

The public has two options for observing and participating in this virtual meeting including the ability to provide oral comments during the meeting.

- 1) Telephone (audio only Call 312-626-6799), when prompted enter the Meeting ID- 98402186152
Phone Passcode: 801128466
- 2) Livestream (both audio and video feed) Download the Zoom meetings app to your smartphone, tablet or computer and then join Meeting ID: 98402186152 . Event Password: EFC041421.

Public comments should be emailed to alueck@winnetka.org. Public comments received by 6:45 p.m. on the day of the meeting will be read at the appropriate time during the meeting. General comments for matters not on the agenda will be read at beginning of the meeting under the Public Comment agenda item. Comments specific to a particular agenda item will be read during the discussion of that agenda item. The Village will attempt to have comments received after the meeting has started read at the end of the meeting. Public comment is limited to 200 words or less. Public comments should contain the following information:

- In the subject line – "Environmental & Forestry Commission Regular Meeting Public Comment"
- Name
- Address (optional)
- Phone (optional)
- Organization or agency representing, if applicable
- General comment or comment on topic of specific agenda item number

All emails received will be acknowledged either during or after the meeting, depending on when they are received. If you do not have access to email, you may leave a message with your public comment at the Public Works office at 847-716-3550 or mail to Public Works, Village of Winnetka, 1390 Willow Road, Winnetka, IL 60093.



**Winnetka Environmental and Forestry Commission
Notice of Regular Virtual Meeting
April 14, 2021**

The Winnetka Environmental and Forestry Commission will convene on Wednesday, April 14, 2021 via Zoom, at 7:00 p.m.

Agenda

- | | |
|---|-----------------------|
| 1) <u>Call to Order</u> | |
| 1) Introduction & Chair's Remarks | Presenter Dowding |
| 2) Public Comment | |
| 3) Review and Approval of Minutes | |
| a. Approval of the March 10, 2021 Regular Meeting Minutes | Presenter Dowding |
| 4) New Business/Old Business Updates | |
| a. Parkway Usage: Summary for Village Council | Presenter Dowding |
| b. Mayor's Monarch Pledge | Presenter Kunkle |
| c. Pyrethroid Pesticide Legislation | Presenter Wynnychenko |
| d. Sustainable Materials Management | Presenter Kunkle |
| 5) Communications | |
| a. Approval of May Communication Items | Presenter Lueck |
| b. Discussion of June Communication Items | Presenter Lueck |
| 6) Committee/Staff Reports | |
| 7) Open Forum | |
| 8) Adjournment | |

Posted Time and Date

NOTICE

All agenda materials are available at villageofwinnetka.org (**Government > Council Information > Agenda Packets & Minutes**); **the Reference Desk at the Winnetka Library; or in the Manager's Office at Village Hall (2nd floor)**. The Village of Winnetka, in compliance with the Americans with Disabilities Act, requests that all persons with disabilities who require certain accommodations to allow them to observe and/or participate in this meeting or have questions about the accessibility of the meeting or facilities, contact the Village ADA Coordinator, at 510 Green Bay Road, Winnetka, Illinois 60093, 847-716-3543; T.D.D. 847-501-6041.

**WINNETKA ENVIRONMENTAL AND FORESTRY COMMISSION
REGULAR MEETING
MINUTES
March 10, 2021**

A record of a legally convened meeting of the Environmental and Forestry Commission of the Village of Winnetka, which was held virtually via Zoom, Wednesday, March 10, 2021, at 7:00 p.m.

Call to Order:

Chairperson Dowding called the meeting to order at 7:03 p.m.; Voting Members present: Chairperson Chuck Dowding, Commissioners David Varca, Rosann Park-Jones, Ted Wynnychenko, and Liz Kunkle. Voting Members absent: Commissioners Chris Foley and Barry Sylvester. A quorum of presently appointed members was present. Village Council Representative absent: Jack Coladarci. Student Representatives present Marcus Buccellato and Scarlett Harper. Staff Representatives present: Andrew Lueck, Village Forester. Public present: Two members of the public were present.

1) Introduction & Chair's Remarks:

Chairperson Dowding called the meeting to order at 7:03 p.m. and welcomed all Commission members and the public. Staff Representative Lueck took roll call for attendance.

Oral Declaration Regarding In-Person Meetings

Chairman Dowding stated pursuant to recently adopted amendments to the Illinois Open Meetings Act included in Public Act 101-0640, public bodies may, in certain circumstances, hold entirely virtual public meetings without a quorum physically present in any one location. On March 17, 2020, President Rintz issued a Declaration of Emergency pursuant to the authority granted by the Village Code, the Illinois Municipal Code, and the Illinois Emergency Management Agency Act to address the health threat posed by the COVID-19 pandemic. On May 29, 2020, Governor Pritzker issued a Disaster Proclamation that declared in-person attendance at public meetings of more than ten people at the regular public meeting location to be infeasible, in accordance the Open Meetings Act, as amended by Public Act. 101-0640. On June 16, 2020, Village President Rintz executed a written determination that given the on-going emergency associated with the COVID-19 pandemic, in-person meetings of the Village's Village Council are not practical or prudent at this time and until further notice. In accordance with the Governor's Disaster Proclamation and the Village President's Declaration of Emergency and Determination regarding meetings of the Village Council, I, as Chair of the Environmental & Forestry Commission hereby determine that in-person meetings of the Environmental & Forestry Commission are not practical or prudent at this time and until further notice.

2) Public Comment:

Two members of the public were present. One member of the public shared their concerns with ongoing leaf blower issues, primarily that the ordinance banning the use of leaf blowers is ignored during the summer months. The resident believes the issues have gotten worse and

cited several public health and environmental concerns. Go Green Wilmette will be hosting an event on April 9, 2021 to call upon concerned community members to brainstorm ways to educate the public and landscapers on the importance of complying with the ban. The resident encourages members of the EFC to attend. The resident also suggested mailing out informationals in May with similar information. Chairperson Dowding recommended the resident present his concerns to the Village Council during one of the April meetings.

3) Review and Approval of Minutes:

a) Approval of the February 10, 2021 Regular Meeting Minutes

Chairperson Dowding asked for a motion to approve the February 10, 2021 minutes. The motion was moved by Commissioner Wynnychenko and seconded by Commissioner Park-Jones.

AYES: VARCA, PARK-JONES, WYNNYCHENKO, KUNKLE
ABSENT: FOLEY, SYLVESTER
NAYS: NONE

4) New Business, Old Business/Updates:

a) Green Award Nominations

Staff Representative Lueck presented the nomination from Spirit Elephant Restaurant for the Green Awards. Spirit Elephant Restaurant selected five award categories: Climate, Economic Development, Energy, Leadership, and Sustainable Communities. They have various ongoing projects and initiatives. They were nominated due to their commitment to sustainability, the community, and health.

Commissioner Kunkle stated they are a great candidate for various reasons, and their nomination goes above and beyond.

Chairperson Dowding stated he is also pleased with the nomination and suggested the plaque award be presented to them by himself and Commissioner Kunkle. He also suggested contacting the Go-Green photographer to capture photographs for the Village website.

Student Representative Buccellato asked if the Village had received any additional nominations.

Commissioner Wynnychenko moved to approve the Green Award for Spirit Elephant and Commissioner Kunkle seconded the motion.

AYES: VARCA, PARK-JONES, WYNNYCHENKO, KUNKLE
ABSENT: FOLEY, SYLVESTER
NAYS: NONE

Chairperson Dowding will communicate with the Village Council regarding the presentation and awarding of the plaque to be presented ideally close to Earth Day.

Staff Representative Lueck stated he would research plaques.

b) Parkway Usage: Permitting

The commission has four components of interest to discuss: Village codes, permits, update on plantings, and experience summary. He included a list of needs to contemplate for serious discussion during the April meeting.

Right-of-Way Codes

Chairperson Dowding reviewed various codes in relation to Rights-of-Ways:

8.20.030 Weeds, the code states “and all other weeds of a like kind”, he explains this is a catch all and asks Staff Representative Lueck about his biological professional opinion on the statement. Staff Representative Lueck explains the amended building code 15.08, defines weed as “weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.”

Chairperson Dowding explained if this definition is applicable to any parkway planting, would exclude anything planted as a cultivated plant. He suggested any changes to the code should reference section 15.08.

Chairperson Dowding found no issues with Village code 12.28, publicly owned trees, shrubs, and plants.

Permits (Excel summary)

The spread sheet summarized in tabular form the findings of members of the EFC. Chairperson Dowding stated simple permits and associated codes from other municipalities reference approval from the Director of Public Works or Forester, who is responsible for judging what is allowable and the permit process will reflect the same.

Plantings Discussion

Commissioner Kunkle updated the Village Parkway Plantings Discussion document, Preferred Plantings, with the assistance of Matt Evans, the Chicago Botanic Garden Woodland Restoration Tech. (Preferred Plantings)

The narrowed list identifies four plant varieties in three different categories: plants that prefer full sun, full shade, full or partial sun but prefer damper soil. She explained the full list is still available but finds the narrowed list more manageable.

Chairperson Dowding asked if vegetables would be included on the list. Commissioner Kunkle informed him there would be, but they are not included in the initial list.

Chairperson Dowding asked if this would also be an attachment to the permit process and website. Commissioner Kunkle informed him that it could be included as part of both.

Student representative Harper asked if the plants on the list recommended plantings or the only ones that would be allowed in the parkway. Commissioner Kunkle responded that it would be recommended plants. Student representative Buccellato asked how the information will be shared with residents. Commissioner Kunkle stated it is yet to be determined but can envision it as part of the website and also potentially part of an application/permitting process.

Commissioner Wynnychenko suggested it be made very clear to residents that these are only recommended, but not exclusive plants.

Chairperson Dowding stated the code defines what you cannot plant, allowing for availability/guidance. Commissioner Kunkle explained the list is very specific to the parkway setting, Matt Evans will continue to provide revisions at a later time since it will be out of the scope of parkways.

Updated experience summary:

The summary contains the findings of members of the EFC who contacted various surrounding communities to inquire about right of way permitting procedures. Wilmette and Highland Park are similar, in which Highland Park also requires a special license and several special agreements including a cost of \$62. He found this process somewhat cumbersome in comparison to Evanston, whose process is much simpler.

Discussion then proceeded.

The EFC would send the Village examples of preferred plantings, guidance for bioswales, and a simple permit process for planting in the parkway all adhering to the Village Code.

Chairperson Dowding stated the code and permit should more clearly define right of way, stating the lack of clear definitions of right of way has complicated the EFC study.

Chairperson Dowding inquired about JULIE, the system to request utilities be located before excavation work. Staff representative Lueck provided a brief explanation, and recommended any excavations, regardless of depth, should contact JULIE to avoid damaging any utilities.

Chairperson Dowding stated the EFC should provide general guidance on elevation differences for Bioswales but should not provide design recommendations.

Commissioner Wynnychenko stated that he is not sure why the EFC should follow a disabled access guideline and that the current recommendation is a max deviation of 3 inches per foot. The short elevation would not constitute it as a bioswale, and would mitigate any concerns of runoffs to neighbors, which the Village prohibits. He also provided a proposed drawing approved by former Public Works Director Steve Saunders that allowed approximately 2-3 inches of elevation per foot.

A member of the public shared their thoughts and concerns regarding bioswales. The resident states that they attended a December Village meeting and became concerned with the code language as it addresses raised gardens. The resident believes the reasons for prohibiting bioswales and raised garden are unclear as it appears the EFC and the Council are at odds. He stated he would like a fair and transparent process, that is also supported by transparent documents and research.

Commissioner Varca discussed concerns about aesthetics and uniformity and referenced the Village of Kenilworth where there are issues of uniformity at the residential level.

Commissioner Wynnychenko stated that as the EFC, it is their duty to think about the environment, how we impact it, and how we can mitigate effects. While he can appreciate a homogenous environment, he would not agree with it and believes homeowners should be allowed to do things that are environmentally friendly.

Commissioner Kunkle stated that in addition to bioswales, native plants are also a solution to consider within the context of stormwater initiatives. She further added that it would also be less of a bioswale and more of a rain garden.

Staff representative Lueck asked Chairperson Dowding when they intend to provide these recommendations to the Board. Chairperson Dowding stated that they would like to ideally have their open items complete by April to potentially present in May. The EFC would send the Village examples of preferred plantings, guidance for bioswales, and a simple permit process for planting in the parkway all adhering to the Village Code.

c) Mayor's Monarch Pledge

Commissioner Kunkle provided an update regarding the Mayor's Monarch Pledge. A drafted letter was sent to Village President Rintz that included 4 recommended goals. Commissioner Kunkle further explained that one of the four goals has to be actionable, including programming or a demonstration garden. The EFC had originally chosen the goal that reads "Plant milkweed and pollinator-friendly native nectar plants in medians and public rights-of-way" due to milkweed aligning with the recommended plant and flowers list discussed in Parkway Usage. She explained President Rintz's concern with milkweed due to the code identifying weeds as a noxious weed plant. To mitigate this concern, Commissioner Kunkle suggested the EFC use the item that reads "Plant or maintain a monarch and pollinator-friendly demonstration garden at City Hall or another prominent community location".

Commissioner Kunkle further stated that this effort could provide an opportunity to plant new gardens and partner with the Park District who already maintain some pollinator gardens at Hubbard Woods Park the Garden Guild's pollinator garden at Dwyer park).

Commissioner Kunkle moved to amend the EFC recommendation to Village President Rintz and Staff that they substitute the action item "Plant or maintain a monarch and pollinator-friendly demonstration garden at City Hall or another prominent community location in lieu of "Plant milkweed and pollinator-friendly native nectar plants in medians and public rights-of-way" as the required action under the program and demonstration gardens, Commissioner Varca seconded the motion.

AYES: VARCA, PARK-JONES, WYNNYCHENKO, KUNKLE
ABSENT: FOLEY, SYLVESTER
NAYS: NONE

Staff representative Lueck provide additional feedback from staff, indicating that there are concerns regarding dedicated staff time to accomplishing the goals and action item. He suggested the EFC include a breakdown of staff time expectations, potential partnerships, and any information they can provide.

Chairperson Dowding suggested the demonstration garden be planted at the Railway Station maintained by both the Park District and Village, further stating this garden could be a project for community member Connie Yonan and the Boy Scouts.

Commissioner Kunkle volunteered to assist Chairperson Dowding in providing this breakdown. She further explained that resident Connie Yonan raises monarch caterpillars, and has done so for decades, and has taught various schools and other community members how to and would probably love to assist with the initiative. She also recommended including Go Green Winnetka along other community members and organizations.

Commissioner Kunkle explained Friends of the Green Bay Trail have trail days where people can attend and help maintain parts of the trail, if creating a community garden, they can adopt a similar concept such as a community garden day to help cultivate interest and find volunteers.

d) Pyrethoid Pesticide Legislation Discussion

Student Representative Harper discussed legislation HB3118 that she has been working on alongside Representative Robyn Gabel to lessen residential mosquito control pesticides and will require applicators to provide evidence of needed use. The bill was publicly introduced in February and is currently being revised. Student Representative Harper is hopeful the revised draft will be available by the end of the week, though it is available to the public as it currently reads.

Student Representative Harper stated the best way for individuals to support a bill like this would be through witness slips, though this option is unavailable at this time. The bill is currently not assigned to any committee, but Harper believes it will be assigned to the Energy and Environment Committee in the upcoming weeks.

The bill is also currently looking for co-sponsors in the Senate and House of Representatives, though emphasized the importance of House co-sponsors. Harper recommended reaching out to individuals who can contact their representatives and can provide contact information to congress members who currently serve on the Energy and Environment committee, who are more likely to support the bill.

Commissioner Kunkle inquired why it was more urgent to find support from House Representatives. Harper responded that its urgency is based on the bill originating from a House Representative, though having Senate support will be just as urgent down the line.

Chairperson Dowding requested that Harper share the list of Committee members and their districts with the EFC.

Student Representative Harper explained that the EFC can reach out to co-sponsors, and draft an open proclamation of support as the EFC and recommended the Village do the same

Commissioner Wynnychenko explained that as the EFC they were not able to make proclamations, however they can urge the Council to consider signing a proclamation in support of the bill regulating pesticide services. In addition, he added a proclamation can also ask the State to consider removing local preemption in the Illinois Pesticide Act, similarly to Evanston and Oak Park which are also home-rule communities.

Chairperson Dowding asked if the proclamation was tied to any legislation in Springfield.

Commissioner Wynnychenko responded that a proclamation is essentially local governments way of informing States of their positions, and symbolically shows where their priorities lie and what they support. He also mentioned that Evanston and Oak Park's proclamations have been unanswered.

Commissioner Varca inquired whether the Village has historically made similar proclamations and stated the feedback on the Monarch Pledge alludes to what they would face here and would potentially leave the Village in the cross hairs of pesticides companies. He suggested the proclamation be flushed out before approaching the Village.

Student Representative Harper has drafted a Village Newsletter message about referring to the North Shore Mosquito Abatement District (NSMAD) for mosquito issues, Chairperson Dowding suggested she forward it to Staff representative Lueck.

e) Specialized Recycling

Commissioner Kunkle stated she would like to table the conversation for the next meeting. Commissioner Wynnychenko inquired if it was possible to leave the Styrofoam collection bins outside of the building or to leave the outer door unlocked later into the evening to allow residents to recycle after facility hours.

Staff representative Lueck stated he would investigate leaving the door unlocked or other alternatives.

5) Communications:

a) Approval of April Communication Items

The Commission reviewed the April Communication Items which included Composting, a Phosphorous ordinance, the August Paper Shredding event, and information on Earth Day and Arbor Day. Commissioner Kunkle is in favor of the communication items but suggested postponing the August Paper Shredding event to a later time. Chairperson Dowding asked for a motion to approve the April Communications Items which was moved by Commissioner Kunkle and seconded by Chairperson Dowding.

AYES: VARCA, PARK-JONES, WYNNYCHENKO, KUNKLE
ABSENT: FOLEY, SYLVESTER
NAYS: NONE

b) Discussion of May Communications Items

The Commission reviewed the upcoming May Communication items including a Stormwater Best Management Practices Guide for Residents, Tips of Recycling, and Pesticide Alternatives. Commissioner Kunkle suggested that communications should focus on the Green Awards Recipients and Pesticides and suggested removing the information regarding numbers on plastic bottles since they do not always align with hauling practices and the current systems in place.

6) Commission/Staff Reports: None.

7) Open Forum:

Commissioner Kunkle commended Student Representative Harper on her legislation.

8) Adjournment:

There being no further business, Chairperson Dowding asked for a motion to adjourn which was moved by Commissioner Wynnychenko and seconded by Commissioner Kunkle. The motion passed; the meeting adjourned at 9:30 pm.

AYES: PARK-JONES, WYNNYCHENKO, KUNKLE, VARCA
ABSENT: FOLEY, SYLVESTER
NAYS: NONE

	Town Contact	ROW		Note
Town	Phone #/email	Permit		
Bannockburn	Ryan Mentkowski	Yes,		See ROW Permit Guidelines
	RMentkowski@villageofbannockburn.org			
	Assistant to Village Manager			
Evanston	Paul D'Agostino	Yes	Simple	Good summary in Evanston Life
	City Environmental Services Coordinator			See section 7-8-4 of Ordinance 15-0-19
	forestry@cityofevanston.org.			
	Forester			
Highland Park	Ron Brannon	Yes,	Special License	See PDF's of agreements
	rbannon@cityhpil.com			
	Deputy Director of Public Works			
Kenilworth	Donny Leicht	Request to Manager		See description of process
	dleicht@vok.org			
Oak Park	Rob Sproul	Request to Forester		Informal process
	Forester and Assistant Public Works Director			
	rsproule@oak-park.us			
Shaker Heights		No		Grass and trees only in parkway
Wellesley		No		Does not address issue
Willmette		Yes		Similar to HP
Winnetka		Yes		Amendment suggested by staff

Experience of nearby municipalities regarding parkway (between sidewalk and street) rights of way (ROW)

Bannockburn:

Summary

Parkway ROW's for the most part are left clear.

Attached: ROW Permit- applicable codes defined

Evanston

Summary from article in Evanston Life

The City Code now provides: Parkway plantings must be three feet tall or less. This is to ensure drivers can see people that may step into the street, and bikes, cars and other vehicles emerging from alleys. A change: plants no longer are limited to a designated City list. No attaching things to trees, such as hammocks, swings or birdfeeders. They can damage city trees. A free permit is still required (as it always has been). Call 311 or email garden plans to forestry@cityofevanston.org. List your planned plants; no invasive species allowed. The permit is required mainly so that the City can check plant height and that the list includes no invasives. Anyone who wishes to trim, spray, remove or plant a parkway tree needs a permit and an arborist to do it. Also, new trees must be at least 15 feet from crosswalks or intersecting alleys or streets.

Attached: ROW Permit and applicable codes as well as full article

Highland Park

Summary

If the request is something that can be approved at the staff level, such as a sprinkler system, paver driveway, or **landscaping materials in the ROW**, a Non-Exclusive License Agreement is required (Attached Word doc & PDF). This agreement outlines the terms of use of the ROW, indemnification of the City, etc. There is no charge for this agreement but we do require the applicant pay the City for the recording fee at the Lake County Clerk (\$60-\$75).

For native plant applications, the application goes to Community Development, then Public Works, then to the City Forester for permit approvals; then Engineering, then Operations to make sure there are no utility conflicts; the City Forester looks over the plant list and makes sure that no invasive plant species are included and decides if the plant list is OK

When a property owner requests use of the public ROW or if it is determined in permit review that the public ROW is encroached upon due to a construction project (such as 5G antenna), etc., a Special License Application can be used. Dependent upon what specifically will be done within the ROW will determine the cost and whether City staff can approve or if it requires City Council approval. The 3rd page of the application contains the City code pertaining to this. I also attached a word doc of this code.

Attached:

Curb crossing, driveway, & irrigation permits (PDF's)

Special use Application and None Exclusive License (PDF's) – probably most relevant

Kenilworth:

Summary

According to Donny Leicht at Kenilworth, the Village did put some shallow swales into some parkways with the intent of planting "rain garden" like plants in them, but there was a public "outcry" about it, and now all that is left is some parkway turf planted over shallow swales. This was a Village led project and not requested by a particular resident. There is a specific process or form for residents to

submit to plant things in the parkway. There is language in their code, and, basically, a resident writes a letter to the Village manager, and then the manager takes it to the council there. As far as Mr. Leicht was aware, there has NEVER been a request for anything other than a tree in the parkway. At this point, all the parkways in Kenilworth are exclusively turf and trees, with nobody asking for anything else, and apparently (as the Village experience above shows) there is a consensus to resist anything else.

Oak Park

Summary from website

"Village code requires the Forestry Superintendent to approve any improvement in the parkway, including installing native landscape material. Requests are reviewed on a case-by-case basis, with the primary focus on public safety. Material planted on the parkway near intersections cannot exceed 30 inches in height creating sightline issues or interfere with pedestrians. If complaints are received, the Village may re-evaluate the planting approval. Improvements may be removed at any time, without replacement, if the parkway needs to be opened for utility work."

Their basic program is - "If you want to plant something in the parkway, call the forester, and he will let you know if it's ok" - and the forester has access to all the internal guidance.

Shaker Heights

Summary from Code

No plant material or barriers, except as specified in code may be located in a dedicated public right-of-way. Material listed in code consists exclusively of Parkway trees, which are limited to the following species. Linden; Maple (excluding Silver Maple and other softwood species); Hackberry; Ginkgo; Oak; Ash; Thornless Honeylocust (cultivars); Callery (Bradford) or Flowering Pear; Sweet Gum; Amelanchier; Golden Rain; Elm (disease resistant hybrid); Other species of trees as determined appropriate by the Director of Public Works. Municipal code does not appear to provide for a permit process to landscape a parkway.

Wilmette

Summary from Code

It is unlawful for any person to plant, maintain, remove or cut down any tree, bush or shrub in a public street, parkway or any public place without first obtaining a Right-of-Way Permit as provided in article I of this chapter. All trees and shrubs so planted shall be placed subject to the directions and approval of the Director of Engineering and Public Works. Sec. 20-179.

The permit is to be provided by the Village Engineer as described in Article I of Section 20. The code continues on to describe a process similar to that of Highland Park

Wellesley

Summary from Section 49.2

Use of Public Ways: No person shall throw, place or cause to be placed in any public way or public place in the Town, any tree, bush, or other planting, or any obstruction, or any garbage, fuel, building material, paper, cards, handbills, leaves, or rubbish of any kind, nor stones or rocks or other objects to act as curbing, except in such a place and manner as shall be directed by the Selectmen and except as hereinafter provided in section 49.2A, which refers to vending machines

Winnetka:

Staff: summary of permit background

Source Dec. 8, VC study session; Parkway Planting Permit review

It has become apparent that additional clarity and guidance are needed in both the Village Code and the permit application materials for planting in public rights-of-way. Staff recommends the following changes to Section 12.04.040 (Encroachments) of the Village Code:

Proposed Language (markup):

It is unlawful to construct any ~~building, fence, cellar, vault door, coal chute, vent, fill pipe or structure or portion of any of the foregoing~~ structure or portion thereof which encroaches on any public street ~~or sidewalk or right-of-way~~ in the Village. ~~Rights of way include streets, sidewalks and land between.~~ Structures include, but are not limited to, buildings, fences, vents, fill pipes, retaining walls, raised planter areas, light posts, and gates. All such encroachments, except cellar or vault doors lawfully in existence in 1932, are declared to be nuisances and the Director of Public Works is authorized to abate such nuisances.

Elements of Parkway Planting Policy

The Village Code provides the Director of Public Works with a significant amount of discretion in evaluating and approving permits for planting in parkways. This discretion is important because there are a wide variety of conditions present on Village parkways that affect the feasibility and appropriateness of plantings. Some of the conditions that affect planting types include:

- Presence or absence of sidewalk and/or curb
- Proximity to an intersection
- Slope and elevation of parkway
- Width of parkway
- Presence or absence of existing trees
- Location of adjacent driveways
- Volume and speed of traffic
- Presence or absence of existing or planned overhead and underground utilities
- Character of adjacent land use (residential, multi-family, institutional, etc.)

While these varied conditions prevent a “one size fits all” approach, staff will update the permit form to provide additional clarity and guidance including:

- A list of preferred tree and plant species will be included with the planting application, as well as a list of prohibited invasive species
- Because green technologies are a part of the Village’s ongoing stormwater quality management efforts,
- guidance on constructing and maintaining rain gardens and bioswales – to be researched and developed by the Winnetka Environmental and Forestry Commission – will be included as part of the permit application
- The permit application will be clarified to indicate that no structures, planters, boulders, fences, etc. are permitted in public rights-of-way
- Guidance for height and location of plantings with respect to intersection and driveway sight distance, trees, utilities, and setbacks from curbs and sidewalks will be provided in the permit application
- A disclaimer statement will be included indicating that maintenance responsibility (except for trimming of trees) lies with the adjacent property owner, that the Village may revoke permission if the plantings are not properly maintained, and that the installation may be removed to allow construction of utility projects and Village infrastructure projects

Recommendation

1. Staff is seeking concurrence from the Village Council to prepare an ordinance that would modify Section 12.04.040 (Encroachments) as described above;

2. Staff is seeking concurrence to clarify the application and approval documents for plantings in the public right-of-way as outlined above; and
3. Staff recommends that the Village Council direct the Winnetka Environmental & Forestry Commission to research and develop guidance on planting rain gardens and bioswales in the Village's rights-of-way.

Source of Permit Information

Winnetka Website=> Residents=> Community Development=> Building Permits and Construction=>

Building Permit Applications: Work Requiring a Permit

Listed are 34 Permits and 24 Informational PDFs

Goal for Village/EFC

Adoption of new code and process by Village Council results in an article in Winnetka Talk like that in Evanston Life, which describes a simple process for permitting plantings in parkway rights of way

Draft EFC Recommendation for Village Council

The EFC concurs with all of Saunder's recommendations in slide pack (summarized in the Experience Word Doc) with the following additional guidance

- 1) Include examples of preferred plantings –
Evans-Kunkle summary
- 2) Guidance for bioswales
Surface generally level; max deviation of 3 inches with slope equal to disabled access of 1 inch per foot.
Subsurface soil enhancement to extend no deeper than **6 inches to avoid calling JULIE**
- 3) Separate simple permit process for planting in parkway
See Evanston for simple permit
See Highland Park for complicated details for significant construction
- 4) Height of plants and shrubs restricted to 30 inches
- 5) Code and permit should more clearly define a right of way. Clearer definition of rights of way to specifically mention parkway might reduce misunderstanding. See green suggested addition to code.

Goal for Village/EFC

Adoption of new code and permit process by Village Council results in an article in Winnetka Talk like that in Evanston Life, which describes a simple process for permitting plantings in rights of way owned by Village, which includes parkways.

Draft EFC Recommendation for Village Council

- 1) The EFC concurs with all of Saunder's recommendation for changes to the code(in slide pack, summarized in the Experience Word Doc, second page of this document) with the following additional guidance
- 2) Include examples of preferred plantings of flowers and vegetables
 - a. Evans-Kunkle summary
 - b. principle based guidelines as follows
 - Recommend ground cover, plants and vegetables that are more sustainable such as those that
 - i. are native, drought resistant to decrease use of water and fertilizers
 - ii. attract pollinators and butterflies to increase biodiversity
 - iii. eatable to reduce transport induced CO2 emissions
 - iv. require less maintenance and thus are more naturally sustainable
 - v. perennial to reduce the CO2 producing efforts needed to replant and weed yearly

Staff to give a few included but not limited to examples in above categories

Permit applicants to specify which sustainable objectives are being met by their choices
- 3) Guidance for bioswales
 - a. Better term for parkway is rain garden. Bioswale connotes conveyance of water which is better employed in larger land parcels
 - b. Surface generally level; max deviation of 3-6 inches with slope equal to 1-3 inches per foot, which is more than 1 in 12 for the disabled.
 - c. ~~Subsurface soil enhancement to extend no deeper than 6 inches to avoid calling~~
JULIE Guidance should include calling JULIE, which is free.
- 4) Provide a separate simple permit process for planting of shrubs, flowers and vegetables in parkway
 - See Evanston/Seattle for simple permit. Staff to produce final design
 - See Highland Park for the many details necessary for construction of structures
 - One member of audience felt that exclusion of structures was arbitrary.
 - Application can still be made, but not with the proposed simple process. The more complex process would have to be employed as it is too difficult to predefine what "structure" means. As in other municipalities, construction of a structure would involve indemnification of Village with resident or 3rd party construction on Village property.
- 5) Total height of plants and shrubs restricted to 30 inches
- 6) Code and permit should more clearly define a Village owned right of way. Clearer definition of rights of way to specifically mention parkway might reduce misunderstanding about the implications of ownership. See green suggested addition to code.
- 7) Cultivated flowers and Gardens as defined in 15.08 exclusions are non-weeds. Thus they are excluded from Code 8-20's requirement for 8 inch height restriction. Milkweed was defined as a non-weed in a 2002 Ordinance amendment.

Winnetka:

Staff: summary of permit background

Source Dec. 8, VC study session; Parkway Planting Permit review

It has become apparent that additional clarity and guidance are needed in both the Village Code and the permit application materials for planting in public rights-of-way. Staff recommends the following changes to Section 12.04.040 (Encroachments) of the Village Code:

Proposed Language (markup):

1a)

It is unlawful to construct any ~~building, fence, cellar, vault door, coal chute, vent, fill pipe or structure or portion of any of the foregoing~~ structure or portion thereof which encroaches on any public street ~~or sidewalk or right-of-way~~ in the Village. 1b) ~~Rights of way include~~ ~~platted streets, sidewalks and land between.~~ Structures include, but are not limited to, buildings, fences, vents, fill pipes, retaining walls, raised planter areas, light posts, and gates. All such encroachments, except cellar or vault doors lawfully in existence in 1932, are declared to be nuisances and the Director of Public Works is authorized to abate such nuisances.

Elements of Parkway Planting Policy

The Village Code provides the Director of Public Works with a significant amount of discretion in evaluating and approving permits for planting in parkways. This discretion is important because there are a wide variety of conditions present on Village parkways that affect the feasibility and appropriateness of plantings. Some of the conditions that affect planting types include:

- Presence or absence of sidewalk and/or curb
- Proximity to an intersection
- Slope and elevation of parkway
- Width of parkway
- Presence or absence of existing trees
- Location of adjacent driveways
- Volume and speed of traffic
- Presence or absence of existing or planned overhead and underground utilities
- Character of adjacent land use (residential, multi-family, institutional, etc.)

While these varied conditions prevent a “one size fits all” approach, staff will update the permit form to provide additional clarity and guidance including:

- 2) A list of preferred tree and plant species will be included with the planting application, as well as a list of prohibited invasive species
- 3) Because green technologies are a part of the Village’s ongoing stormwater quality management efforts, guidance on constructing and maintaining rain gardens and bioswales – to be researched and developed by the Winnetka Environmental and Forestry Commission – will be included as part of the permit application

- 4) The permit application will be clarified to indicate that no structures, planters, boulders, fences, etc. are permitted in public rights-of-way
- 5) Guidance for height and location of plantings with respect to intersection and driveway sight distance, trees, utilities, and setbacks from curbs and sidewalks will be provided in the permit application
- A disclaimer statement will be included indicating that maintenance responsibility (except for trimming of trees) lies with the adjacent property owner, that the Village may revoke permission if the plantings are not properly maintained, and that the installation may be removed to allow construction of utility projects and Village infrastructure projects

Recommendation

1. Staff is seeking concurrence from the Village Council to prepare an ordinance that would modify Section 12.04.040 (Encroachments) as described above;
2. Staff is seeking concurrence to clarify the application and approval documents for plantings in the public right-of-way as outlined above; and
3. Staff recommends that the Village Council direct the Winnetka Environmental & Forestry Commission to research and develop guidance on planting rain gardens and bioswales in the Village's rights-of-way.

Source of Permit Information

Winnetka Website=> Residents=> Community Development=> Building Permits and Construction=>

Experience of nearby municipalities regarding parkway (between sidewalk and street) rights of way (ROW)

Bannockburn:

Summary

Parkway ROW's for the most part are left clear.

Attached: ROW Permit- applicable codes defined

Evanston

Summary from article in Evanston Life

The City Code now provides: Parkway plantings must be three feet tall or less. This is to ensure drivers can see people that may step into the street, and bikes, cars and other vehicles emerging from alleys. A change: plants no longer are limited to a designated City list. No attaching things to trees, such as hammocks, swings or birdfeeders. They can damage city trees. A free permit is still required (as it always has been). Call 311 or email garden plans to forestry@cityofevanston.org. List your planned plants; no invasive species allowed. The permit is required mainly so that the City can check plant height and that the list includes no invasives. Anyone who wishes to trim, spray, remove or plant a parkway tree needs a permit and an arborist to do it. Also, new trees must be at least 15 feet from crosswalks or intersecting alleys or streets.

Attached: ROW Permit and applicable codes as well as full article

Highland Park

Summary

If the request is something that can be approved at the staff level, such as a sprinkler system, paver driveway, or **landscaping materials in the ROW**, a Non-Exclusive License Agreement is required (Attached Word doc & PDF). This agreement outlines the terms of use of the ROW, indemnification of the City, etc. There is no charge for this agreement but we do require the applicant pay the City for the recording fee at the Lake County Clerk (\$60-\$75).

For native plant applications, the application goes to Community Development, then Public Works, then to the City Forester for permit approvals; then Engineering, then Operations to make sure there are no utility conflicts; the City Forester looks over the plant list and makes sure that no invasive plant species are included and decides if the plant list is OK

When a property owner requests use of the public ROW or if it is determined in permit review that the public ROW is encroached upon due to a construction project (such as 5G antenna), etc., a Special License Application can be used. Dependent upon what specifically will be done within the ROW will determine the cost and whether City staff can approve or if it requires City Council approval. The 3rd page of the application contains the City code pertaining to this. I also attached a word doc of this code.

Attached:

Curb crossing, driveway, & irrigation permits (PDF's)

Special use Application and None Exclusive License (PDF's) – probably most relevant

Kenilworth:

Summary

According to Donny Leicht at Kenilworth, the Village did put some shallow swales into some parkways with the intent of planting "rain garden" like plants in them, but there was a public "outcry" about it, and now all that is left is some parkway turf planted over shallow swales. This was a Village led project and not requested by a particular resident. There is a specific process or form for residents to

submit to plant things in the parkway. There is language in their code, and, basically, a resident writes a letter to the Village manager, and then the manager takes it to the council there. As far as Mr. Leicht was aware, there has NEVER been a request for anything other than a tree in the parkway. At this point, all the parkways in Kenilworth are exclusively turf and trees, with nobody asking for anything else, and apparently (as the Village experience above shows) there is a consensus to resist anything else.

Oak Park

Summary from website

"Village code requires the Forestry Superintendent to approve any improvement in the parkway, including installing native landscape material. Requests are reviewed on a case-by-case basis, with the primary focus on public safety. Material planted on the parkway near intersections cannot exceed 30 inches in height creating sightline issues or interfere with pedestrians. If complaints are received, the Village may re-evaluate the planting approval. Improvements may be removed at any time, without replacement, if the parkway needs to be opened for utility work."

Their basic program is - "If you want to plant something in the parkway, call the forester, and he will let you know if it's ok" - and the forester has access to all the internal guidance.

Seattle

Summary from website

Provide a simple permit form with guidance for plantings. Also provide guidance for construction of raised beds and fixed objects that meet a set of restrictions appropriate for Seattle. Have not obtained code or ordinance that provide the foundation.

Shaker Heights

Summary from Code

No plant material or barriers, except as specified in code may be located in a dedicated public right-of-way. Material listed in code consists exclusively of Parkway trees, which are limited to the following species. Linden; Maple (excluding Silver Maple and other softwood species); Hackberry; Ginkgo; Oak; Ash; Thornless Honeylocust (cultivars); Callery (Bradford) or Flowering Pear; Sweet Gum; Amelanchier; Golden Rain; Elm (disease resistant hybrid); Other species of trees as determined appropriate by the Director of Public Works. Municipal code does not appear to provide for a permit process to landscape a parkway.

Wilmette

Summary from Code

It is unlawful for any person to plant, maintain, remove or cut down any tree, bush or shrub in a public street, parkway or any public place without first obtaining a Right-of-Way Permit as provided in article I of this chapter. All trees and shrubs so planted shall be placed subject to the directions and approval of the Director of Engineering and Public Works. Sec. 20-179.

The permit is to be provided by the Village Engineer as described in Article I of Section 20. The code continues on to describe a process similar to that of Highland Park

Wellesley

Summary from Section 49.2

Use of Public Ways: No person shall throw, place or cause to be placed in any public way or public place in the Town, any tree, bush, or other planting, or any obstruction, or any garbage, fuel, building material, paper, cards, handbills, leaves, or rubbish of any kind, nor stones or rocks or other

objects to act as curbing, except in such a place and manner as shall be directed by the Selectmen and except as hereinafter provided in section 49.2A, which refers to vending machines

	Town Contact	ROW		Structure/raised bed	Note
Town	Phone #/email	Permit		Short form permit	
Bannockburn	Ryan Mentkowski	Yes,		No, long form	See ROW Permit Guidelines
	RMentkowski@villageofbannockburn.org				
	Assistant to Village Manager				
Evanston	Paul D'Agostino	Yes	Simple	No	Good summary in Evanston Life
	City Environmental Services Coordinator				See section 7-8-4 of Ordinance 15-0-19
	forestry@cityofevanston.org.				
	Forester				
Highland Park	Ron Brannon	Yes,	Special License	No, long form	See PDF's of agreements
	rbannon@cityhpil.com				
	Deputy Director of Public Works				
Kenilworth	Donny Leicht	Request to Manager		neg public response	See description of process
	dleicht@vok.org			to rain gardens	
Oak Park	Rob Sproul	Request to Forester		Informal process	details not public
	Forester and Assistant Public Works Director				
	rsproule@oak-park.us				
Shaker Heights		No		No	Grass and trees only in parkway
Wellesley		No		No,	Does not address parkway ROW issue
Willmette		Yes		No long form	Similar to HP
Winnetka		Yes		No, long form	Amendment suggested by staff
Seattle		Yes		Yes	



VILLAGE OF WINNETKA

PARKWAY PLANTING POLICY

**Winnetka Village Council
December 8, 2020**





PARKWAY RAISED PLANTER

2

Village Code prohibits encroachment of structures into public rights of way.

Village Code requires permission for planting in parkway.





OPPORTUNITY TO CLARIFY LANGUAGE

3

Section 12.04.040

Current Language

It is unlawful to construct any building, fence, cellar, vault door, coal chute, vent, fill pipe or structure or portion of any of the foregoing which encroaches on any public street or sidewalk in the Village. All such encroachments, except cellar or vault doors lawfully in existence in 1932, are declared to be nuisances and the Director of Public Works is authorized to abate such nuisances.

Section 12.04.040

Proposed Language

It is unlawful to construct any structure or portion thereof which encroaches on any public street or right-of-way in the Village. Structures include, but are not limited to, buildings, fences, vents, fill pipes, retaining walls, raised planter areas, light posts, and gates. All such encroachments, except cellar or vault doors lawfully in existence in 1932, are declared to be nuisances and the Director of Public Works is authorized to abate such nuisances.





PARKWAY CONDITIONS AND PLANTINGS

4





PARKWAY CONDITIONS AND PLANTINGS

5





PARKWAY CONDITIONS AND PLANTINGS

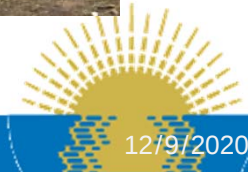
6





PARKWAY CONDITIONS AND PLANTINGS

7





CLARIFICATIONS TO POLICY

8

- A list of preferred tree and plant species will be included with the planting application, as well as a list of prohibited invasive species
- Because green technologies are a part of the Village's ongoing stormwater quality management efforts, guidance on constructing and maintaining rain gardens and bioswales – to be researched and
- developed by the Winnetka Environmental and Forestry Commission – will be included as part of the permit application
- The permit application will be clarified to indicate that no structures, planters, boulders, fences, etc. are permitted in public rights-of-way
- Guidance for height and location of plantings with respect to intersection and driveway sight distance, trees, utilities, and setbacks from curbs and sidewalks will be provided in the permit application
- A disclaimer statement will be included indicating that maintenance responsibility (except for trimming of trees) lies with the adjacent property owner, that the Village may revoke permission if the plantings are not properly maintained, and that the installation may be removed to allow construction of utility projects and Village infrastructure projects





RECOMMENDATION

9

- 1. Staff is seeking concurrence from the Village Council to prepare an ordinance that would modify Section 12.04.040 (Encroachments) as described above;**
- 2. Staff is seeking concurrence to clarify the application and approval documents for plantings in the public right-of-way as outlined above; and**
- 3. Staff recommends that the Village Council direct the Winnetka Environmental & Forestry Commission to research and develop guidance on planting rain gardens and bioswales in the Village's rights-of-way.**



QUESTIONS?

10



Winnetka Environmental and Forestry Commission
Village of Winnetka Parkway Plantings Discussions
Topic 1: Preferred Plantings
January 13, 2021

The Environmental and Forestry Commission (EFC) has been tasked with preparing recommendations to the Village Council regarding Village Parkway Plantings that will yield positive benefits for the Village while maintaining consistency with neighborhood aesthetics and not interfering with Village utilities, snow removal, or pedestrian, biker, or motor vehicle safety. [define "Parkway"] The EFC/VC recognizes Parkways are part of the solution to flooding, declining biodiversity, tree stress, and climate change. Parkway plantings are consistent with area Climate Action Plans, which encourage urban canopy and natural areas to shade and cool streets, soak up rainwater, absorb noise, reduce energy use, sequester carbon, filter pollutants from the air and water, ease our stresses, and help us breathe easier.

Each of the EFC's next four meetings will focus on a specific topic related to Parkway Plantings. This first meeting focuses on Preferred Plantings.

Native Plants

- are beautiful;
- are easy to grow;
- improve soil drainage and are effective for managing stormwater;
- do not require chemical fertilizer or pesticides;
- can tolerate some salt;
- are sun/soil adaptable;
- provide food and shelter for birds and beneficial insects;
- contribute to biodiversity;
- help sequester carbon; and
- can grow low (30" - 36")

Prairie Plants for Full Sun (sunny spots in yard or no parkway trees)

- Blazing Star
- Mountain Mint
- Thimble Anemone
- Wild Bergamot

Marsh Plants for Full or Part Sun (for parts of the yard that get at least half a day of sun and/or a parkway tree does not shade the entire area)

- Blue Flag Iris
- Great Blue Lobelia
- Marsh Marigold
- Purple Cress

Woodland Plants for Mostly Shady Areas (for areas with parkway trees with low/large/dense canopies; these need at least a few hours of sun but like shade, especially in the afternoon)

- Early Meadow Rue
- Jacob's Ladder
- Starry Campion
- Zig Zag Goldenrod

Winnetka Environmental and Forestry Commission
Village of Winnetka Parkway Plantings Discussions
Topic 1: Preferred Plantings
January 13, 2021

Bioswale considerations

- Designed to clean and process water as well as redirect it
- Bottom typically planted with sedges, rushes, and water-loving plants
- Sloping sides, which tend to be drier longer, have native shrubs or trees and low-growing grasses

Miscellaneous considerations

- Enrich the soil (parkway soil may be compacted and salt-saturated); require compost be used in Parkway Plantings
- Understand different aspects of “pollinator-friendly”:
 - Some attract more than others; Bee balm is a magnet
 - Grasses and sedges don’t attract pollinators, but they provide habitat for everything, including other plants, and they contribute to soil structure in ways turf grass doesn’t.
- It’s important to include non-native non-invasive plants in the mix; we don’t want to remove or discourage those types of plants; we want to encourage the addition of native plants.
- If you plant under a tree, plant away from the trunk and plan for the spread so that foliage doesn’t abut the trunk and create a possible environment that would contribute to disease to the tree (bark that remains constantly damp can become weak over time).
- Consider using small seedlings or small plugs to avoid too much digging, which can damage tree roots, particularly in large, established trees.
- Designs may be more formal or more natural, allowing plants to disperse themselves over time
- There will be some maintenance, particularly in the beginning, but over time there will be less than with a traditional lawn.

Let’s reclaim the forgotten territory and create some native habitat with intentional Parkway Plantings that will absorb and filter rainwater, cool ground temperatures, support pollinators, and bring a smile to passersby.

Sources:

- https://www.chicago.gov/dam/city/depts/cdot/SustainableBackyards/NativePlantsRebate_English811.pdf
- <https://www.asla.org/nativeplantssavemoney.aspx#:~:text=Native%20plants%20help%20the%20environment.&text=They%20require%20much%20less%20watering,for%20mowers%20and%20other%20equipment.>
- http://www.midwestgroundcovers.com/page/Salt_Tolerant_List
- http://www.wildonesrrvc.org/Documents/Misc/Salt_Tolerant_Natives.pdf
- <https://www.thespruce.com/how-to-make-a-lasagna-garden-2539877>
- <https://www.noble.org/news/publications/ag-news-and-views/2018/june/why-roots-matter-to-soil-plants-and-you/>
- <https://westcook.wildones.org/>
- <http://www.sustainedgewater.org/native-plants.html>

Winnetka Parkway Preferred Plantings
Environmental and Forestry Commission Draft Document

Prepared by

Matt Evans, Chicago Botanic Garden Woodland Restoration Technician
&
Liz Kunkle, EFC Member

Common Name	Image	Light Level	Height	Width (entire plant with foliage)
Wild Bergamot		Full Sun	3 - 3.5'	2.5'
Mountain Mint		Full Sun	2.5 - 3'	2'
Thimble Anemone		Full Sun	1 - 2'	1'
Blazing Star		Full Sun	2.5 - 3.5'	1'
Early Meadow Rue		Shade	1.5'	1.5'
Starry Campion		Shade	2.5'	1'

Winnetka Parkway Preferred Plantings
Environmental and Forestry Commission Draft Document

Prepared by

Matt Evans, Chicago Botanic Garden Woodland Restoration Technician
&
Liz Kunkle, EFC Member

Jacob's Ladder		Shade	1'	1'
Zig Zag Goldenrod		Shade	2 - 3'	1'
Purple Cress		Full to partial sun; wet soil	1'	.5'
Marsh Marigold		Full to partial sun; wet soil	.5 - 2'	.5 - 1.5
Blue Flag Iris		Full to partial sun; wet soil	2 - 3'	3'
Great Blue Lobelia		Full to partial sun; wet soil	2 - 4'	.5 - 1'
Groundcovers		Full sun to full shade; wet or dry soil	.2 - 2'	6'

Winnetka Parkway Preferred Plantings
Environmental and Forestry Commission Draft Document

Prepared by

Matt Evans, Chicago Botanic Garden Woodland Restoration Technician
&
Liz Kunkle, EFC Member

Shrubs/Sedges		Full to partial sun; wet or dry soil	1 - 3'	.5 – 3'
Vegetable Gardens (lettuces and greens, spinach, chard, peas, beets, radishes, potatoes, carrots, cabbages, and onions)		Full to partial sun	Root – 3'	
Bioswale/Rain Garden		Full sun to full shade; wet soil	.5 - 4'	.5 - 3'

Guidelines for investigation

- 1) The parkway (public right of way) belongs to the Village. Residents must obtain a permit from the Village to modify in anyway the parkway.
- 2) Public rights of way were established to allow present and future access of utilities (example undergrounding of overhead lines and development of 5G with horizontal boring)
- 3) No non-living structures permanent or otherwise may be constructed or placed on the parkway
 - a. Example: sign ordinance
 - b. Soil is alive with microbes
 - c. Boulders?
- 4) That stipulated, the VC wishes the EFC to investigate the potential for use of the parkway by the Village or contiguous property owners to improve the quality of runoff or infiltrating water and/or biodiversity
- 5) This investigation must take the following needs of the Village for use of the parkways, which it owns for communal benefit
 - a. Interference with utilities, including but not limited to wires, cables, poles, pipes.
 - b. Snow removal (street and sidewalk) and snow banking
 - c. Fall leaf removal (equipment access to push leaves to the street)
 - d. Visibility along and safe and full use (over hang preventions) of the sidewalks for children biking to school and pedestrians
 - e. Vehicle visibility and safe use of the streets
 - f. Neighborhood aesthetics
 - g. Trip and fall hazards caused by
 - i. Berm vs swale
 1. Example sidewalk irregularity
 - ii. Plastic/wood restrainers
 - h. Door swings of guests parking on streets
 - i. Access of guests parking on streets
 - j. Construction of future sidewalks where none currently exist
 - k. Maintenance of annual plant growth and garden accoutrement (tomato baskets)
 - l. Conveyance of storm water to storm sewers in the advent of intense storms
- 6) Saunders power point
 - a. Wide variation in neighborhood aesthetics requires variability in allowable plantings
 - b. Best to allow staff to have latitude in acceptance.
- 7) How best to invite public comment – Village eblast?
- 8) Other towns with experience
 - a. Kenilworth
 - b. Highland Park
 - c. Bannockburn



Village of Winnetka
Public Works Department

Permit for
Planting or Tree Maintenance on Public Property

In conformance with section 12 of the Village Code and a resolution adopted on April 6, 1976 by the President and Board of Trustees of the Village of Winnetka, the undersigned hereby makes application to place and maintain plantings or perform tree maintenance on the public street or place as follows:

Applicant _____
Address _____
Phone _____ Date _____

Type of Public Property

_____ Commercial
_____ Residential
_____ Parking Lot
_____ Other _____

Sketch or Description of Parkway Planting or Tree Maintenance

- 1) The Village of Winnetka assumes no responsibility or liability because of the installation and the owner will hold the Village harmless in any action arising therefrom.
- 2) Planting on Public right-of-way shall not in any way interfere with the right of the Village to excavate therein for repair, maintenance, or installation of any public utilities or for any other necessary purpose.
- 3) The Village will not be required to maintain or replace any of such planting as may be damaged by any such work or by any other maintenance or construction operation.

A representative of the Public Works Department has inspected the above-proposed site and find the proposed improvement to be acceptable.

Director of Public Works

Date

From:
To: [Andrew Lueck](#)
Subject: Welcome to the Mayors' Monarch Pledge program!
Date: Wednesday, March 24, 2021 9:47:18 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Andrew Lueck,

Thank you to Village Manager Robert Bahan for taking the National Wildlife Federation's Mayors' Monarch Pledge! You are joining a growing network of leaders across North America to save the monarch butterfly and other important pollinators. Over the next year, you will embark on completing actions to support monarch and pollinator conservation in your community. Our team at the National Wildlife Federation is here to help!

There are many resources available online to support your efforts, including our guide: "Monarch Conservation in America's Cities: A Guide for Municipal Leaders." You can access this report and other resources by logging in and visiting our [Resource Center](#) in the online portal. To help you navigate the Mayors' Monarch Pledge online portal and platform, please refer to our [online platform how-to manual](#). The manual guides users on how to update your profile to show your work, add team members, report on your progress, and much more! Please also consider joining our [Facebook group](#) to talk with other signatories in our program and share your community's progress. Lastly, you can visit our Resource Center to download a [template press release](#) for you to customize and share with media to announce your pledge.

If you have any questions, don't hesitate to reach out to our team at mayorsmonarchpledge@nwf.org. Thanks for all you are doing to help save the monarch!

Thank you,
The National Wildlife Federation Mayors' Monarch Pledge Team

1. Issue a Proclamation to raise awareness about the decline of the monarch butterfly and the species' need for habitat.

2. Engage with city parks and recreation, public works, sustainability, and other relevant staff to identify opportunities to revise and maintain mowing programs and milkweed / native nectar plant planting programs.

3. Plant milkweed and pollinator-friendly native nectar plants in medians and public rights-of-way.

4. Integrate monarch butterfly conservation into the city's Park Master Plan, Sustainability Plan, Climate Resiliency Plan or other city plans.

RESOLUTION NO. R-x-2021

A RESOLUTION URGING THE STATE OF ILLINOIS TO REPEAL PREEMPTION
OF LOCAL REGULATION OF PESTICIDES

WHEREAS, The Village of Winnetka is a home rule unit of government pursuant to Article VII, Section 6, of the Illinois Constitution; and

WHEREAS, The Village of Winnetka has issued a proclamation advocating for monarch butterflies and committing the Village to take steps toward a healthy environment for pollinators; and

WHEREAS, in 1995, the State of Illinois adopted an amendment to the Illinois Pesticide Act of 1979, 415 ILCS 60/1 *et seq.*, that prohibits local governments, including home rule units, with a population of less than 2,000,001, from regulating the registration, purchase, use, storage, and disposal of pesticides; and

WHEREAS, in 1991, the United State Supreme Court ruled that, absent state law to the contrary such as exists in Illinois, federal pesticide law does not preempt local regulation of pesticides (*Wisconsin Public Intervenor, et al., v. Ralph Mortier*, 501 U.S. 597); and

WHEREAS, in *Wisconsin Public Intervenor*, the United States Supreme Court held that the federal statute that governs the registration, distribution, sale, and use of pesticides in the United States, the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA, 7 USC 6 § 136 *et seq.*), leaves local regulation of pesticides in the purview of local authorities;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Village of Winnetka, Cook County, Illinois:

SECTION 1: The Village of Winnetka urges the General Assembly of the State of Illinois to repeal the preemption of local government regulation of pesticides.

SECTION 2: The Village of Winnetka supports an amendment to the Illinois Pesticide Act to provide for the right of local home rule governments to adopt local pesticide regulations that align with local priorities.

SECTION 3: Resolution R-x-2021 shall be in full force and effect from and after its passage and approval as provided by law.

RESOLUTION NO. R-x-2021

A RESOLUTION URGING THE STATE OF ILLINOIS TO ADOPT HB3118, AN
AMMENDMENT TO THE ILLINOIS ENVIRONMENTAL PROTECTION ACT

WHEREAS, The Village of Winnetka has issued a proclamation advocating for monarch butterflies and committing the Village to take steps toward a healthy environment for pollinators; and

WHEREAS, HB3118 has been introduced in the 102nd General Assembly amending the Illinois Environmental Protection Act (415 ILCS 5 *et seq.*); and

WHEREAS, HB3118 attempts to provide guidance in the use of pesticides to limit effects of those pesticides on pollinators;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Village of Winnetka, Cook County, Illinois:

SECTION 1: The Village of Winnetka urges the General Assembly and Governor of the State of Illinois adopt HB3118.

SECTION 2: Resolution R-x-2021 shall be in full force and effect from and after its passage and approval as provided by law.

**102ND GENERAL ASSEMBLY
State of Illinois
2021 and 2022
HB3118**

Introduced 2/19/2021, by Rep. Robyn Gabel

SYNOPSIS AS INTRODUCED:

415 ILCS 5/21.8 new

Amends the Environmental Protection Act. Provides that a pyrethoid pesticide may only be applied by a commercial applicator for commercial or residential use if evidence-based model of application complying with specified requirements is used. Requires Agency to adopt rules creating a process meeting specified requirements for the licensure of commercial applicators for residential treatment of pyrethoid pesticides. Provides that the Agency may adopt any rules it deems necessary to implement and administer the amendatory provisions.

LRB102 15736 CPF 22287 b

FISCAL NOTE ACT MAY
APPLY

A BILL FOR

HB3118

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1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Environmental Protection Act is amended by
5 adding Section 21.8 as follows:

6 (415 ILCS 5/21.8 new)

7 Sec. 21.8. Pyrethoid pesticides; mosquito control;
8 pollinator protection.

9 (a) Notwithstanding any other provision of law, a
10 pyrethoid pesticide may only be applied using the
11 evidence-based model under subsection (b) and may not be
12 applied using a subscription-based model of treatment.

13 (b) A pyrethoid pesticide may only be applied by a
14 commercial applicator for commercial or residential if the
15 following evidence-based model of application is used:

16 (1) Documentation of species the pyrethoid pesticide
17 is targeted towards.

18 (2) A domestic inspection of the property for mosquito
19 sources is conducted before application of the pyrethoid
20 pesticide.

21 (3) The commercial applicator of the pyrethoid
22 pesticide has undergone the course and licensure
23 requirements under subsection (c).

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1 (4) Chemical spraying of pyrethoid pesticide may not
2 be applied outdoors where wind speed is 3 miles per hour or
3 greater.

4 (5) At least 24 hours before the treatment is
5 scheduled to occur, the commercial applicator must notify
6 neighbors of the property to which the impending pyrethoid
7 pesticide treatment is to be applied.

8 (6) For at least 24 hours after the treatment has been
9 applied, the property to which the pyrethoid pesticide is
10 applied must display yard signage indicating that the yard
11 has been treated with pyrethoid pesticides.

12 (7) A commercial applicator must have available, at
13 all times while a treatment is being conducted, copies of
14 the Federal Insecticide, Fungicide, and Rodenticide Act
15 (FIFRA) product label describing the specific health and
16 environment risks from pesticides for distribution if
17 requested.

18 (8) The owner of the property to which the pyrethoid
19 pesticide is applied must be given a copy of the FIFRA
20 product label describing the specific health and

21 environment risks from pesticides by the applicator.
22 (c) The Agency shall adopt rules creating a process for
23 the licensure of commercial applicators for residential
24 treatment using pyrethoid pesticides. The licensure process
25 shall include:
26 (1) a course and material specific to mosquito control

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1 and pollinator protection in a residential environment;
2 (2) requirements for domestic inspections;
3 (3) the collection of surveillance evidence of
4 mosquitoes;
5 (4) identification of mosquitoes;
6 (5) mosquito life stages;
7 (6) pesticide-free source reduction methods;
8 (7) bystander protection;
9 (8) product label requirements; and
10 (9) any other topics the Agency determines relevant.
11 (d) The Agency may adopt any rules it deems necessary for
12 the implementation and administration of this Section.

May 2020 EFC Communications Content

1. Green Awards Recipients

Summer Winnetka Report & E-Winnetka Newsletter

2. Stormwater Best Management Practices Guide for Residents

E-Winnetka Newsletter

In 2016, the Environmental and Forestry Commission developed a guide for homeowners of stormwater best management practices. This guide is a resource for homeowners to educate and give practical examples of ways to make properties stormwater-friendly. The recommended stormwater best management practices in this guide are intended to help with stormwater control and may not solve all stormwater problems. This guide can be found on the Village website: <http://www.villageofwinnetka.org/government/boards-and-commissions/environmental-and-forestry-commission/>. If you have any questions, please contact the Public Works department at 847-716-3568.

3. Environmental and Forestry Commission Recycling Tip - Break Down All Boxes

E-Winnetka Newsletter

Each ton of cardboard recycled saves 46 gallons of oil and 390 kWh of energy. The Village's recycling provider encourages the recycling of cardboard and other paper-based materials. Prepare cardboard for recycling by removing all materials in the box such as plastic wrap, polystyrene, and other packaging materials. Breaking down boxes saves storage space and reduces pick up costs. Keep cardboard dry and free from excessive food waste. Cardboard can get wet and still be recycled, but is more difficult to carry due to the added weight of the water.

4. Environmental and Forestry Commission Recycling Tip – Leave Lids on Plastic Containers

E-Winnetka Newsletter

To remove or not to remove lids when recycling? The Village's recycling provider, Lakeshore Recycling Systems, asks residents to leave caps on plastic bottles and glass jars when recycling. This keeps residual liquids contained and the small lids from clogging the sorting machines.

5. Pesticide Alternatives

E-Winnetka Newsletter

Pesticides are chemicals used to kill unwanted insects and pests (often mosquitoes). Often, they have negative effects on lots of other species, including bees, cats, fish, birds and even humans, especially children. There are many reasons not to use pesticides and plenty of alternatives. To keep your yard mosquito free without harming your bees, butterflies, pets and children, you could use safe repellents (be aware that many companies that advertise as organic and safe are not), mosquito repellent plants (such as lavender, marigolds, basil, sage, bee balm, lemongrass and rosemary), screened in porches (which allow outdoor bug free space) and eliminate standing water for mosquitoes to lay eggs. Before you use pesticides, consider what you are using in your yard and how it affects your animals and your neighbors.

June 2020 EFC Communications Content

1. Coal Tar Sealant Reminder

E-Winnetka Newsletter

In August of 2014, the Village of Winnetka implemented a ban on the use of coal tar-based sealing agents on all public and private driveways, parking lots and other roadway surfaces with Village limits. Coal tar is a waste material generated during coal processing that contains high levels of chemical compounds shown to be harmful to aquatic life and pose a potential risk to humans. This initiative was studied by the Village's Environmental and Forestry Commission as an effort to benefit water quality. As required by this ban, all contractors and multi-family property owners must obtain a Pavement Sealant Applicators License through the Public Works Department. Property owners of single family lots applying sealant themselves do not need a Pavement Sealant Applicators License.

As an alternative to coal tar-based sealants, the Village recommends using asphalt-based sealants (sold in most home improvement stores), replacing asphalt with concrete driveways, or leaving driveways unsealed.

In April, letters were sent to previously licensed contractors reminding them to renew their applicator license in 2020 to confirm their sealant meets Village requirements. For more information, please call Brendon Mendoza in the Public Works Department at (847) 716-3550.

2. Ban of Gas-Powered Leaf Blowers from June 1 through October 1

E-Winnetka Newsletter

No noisy landscaping activity is to begin before 7:00 AM on weekdays, 9:00 AM. on Saturdays and 10:00 AM on Sundays and holidays. No such activity may continue after 7:00 PM on any evening. In Winnetka, it is illegal to operate gasoline powered leaf blowers at all times from June 1 to October 1. At other times of the year, they may be operated only between the hours of 8:00 AM and 7:00 PM, Monday through Friday, and from 9:00 AM to 6:00 PM on Saturday, Sunday and on holidays. Lawn care must be neighbor-friendly, so we can all enjoy as much of our few months of good weather as possible.

Electric blowers do meet summer landscaping needs. Most importantly, they have safer decibel levels and minimize dangerous airborne particulate matter.

3. Removal of Buckthorn and other Invasive Species

E-Winnetka Newsletter

Unlike native trees and shrubs, invasive species like buckthorn spread quickly across our woodlands, prairies, wetlands, and parks, competing with native species for resources needed for a stable, healthy environment. Examples of invasive species in northern Illinois include buckthorn, Lesser Celandine, Callery pear, Amur maple, burning bush, Norway maple, tree of heaven, and barberry. These invasive plants, trees, and shrubs thrive in our area mainly because of their ability to reseed.

A good way to remove and lessen the risk of spreading buckthorn is to remove the plants before they flower (May-June) and produce seeds (August-September). If you suspect that removed buckthorn or other invasive plants contain seeds, bag them in landscape waste bags and place them out on the same day as your trash pickup rather than composting them, as landscape waste is banned from landfills in Illinois.



4. Recycling Tip – Make sure all containers are free of liquid and food residue

E-Winnetka Newsletter

When recycling used food containers, it is important to remove leftover food waste or liquids. Containers or cardboard that have excessive food waste on them may contaminate other recyclable materials they are mixed in with. When recyclables are heavily contaminated with food waste, they become less desirable for resale. Items with minimal amounts of food waste on them are acceptable if the food waste is minimal. For example, you can recycle a pizza box if you wipe off any cheese or sauce stuck to the box.

5. Recycling Tip – Plastic bags and film

E-Winnetka Newsletter

Plastic bags, wraps, and film can be recycled into new materials – they simply require a different collection system and processing equipment than many curbside recycling programs provide. So please DO NOT put plastic bags/wraps/film in your bin as the Village's recycling provider, Lakeshore Recycling Services, does not accept these items.

Plastic bags may be brought to grocery stores for recycling. Plastic bags are made out of "film", or thin flexible sheets of plastic. The majority of plastic films are made from polyethylene resin and are readily recyclable if the material is clean and dry. Plastic wrap and film packaging are generally #2 and #4 plastic, both of which are recyclable. Most plastic bags are recycled into composite lumber, but can actually become a wide variety of products.