EXHIBIT A

Kopald Aggrieved Neighbor claim-Tree Cutting. Analysis, Jack Jannarone, ZBA Chair.

One area of contention advanced by Ms Kopald is that the Tonnesons illegally cut down a large number of trees. The tree cutting is documented in the Kopald Affidavit 06/08/2020 page 41 of 134 which is from the Finkbeiner Affidavit. The page is titled "TREE CUTTING ANALYSIS 2016 AERIAL SHADOWS". It includes a table labeled "TREES OVER 10" CUT PRE-PERMIT BY ZONE".

SEPTIC AREA TREES	5 TREES
HOUSE ENVELOPE	11 TREES
BETWEEN HOUSE AND DRIVE	3 TREES
BORROW PIT AREA	9 TREES
DRIVE WAY	14 TREES

Also on page 41 Finkbeiner includes a graphic portrayal of where the alleged trees over 10" in diameter were located on the property. His analysis is based on 2016 images of the property taken when there were no leaves on the trees. He then uses a computer program to determine the diameter of a tree based on the width of its shadow. While this technique may be suitable for general forestry use, he offers no proof that it is acceptable in a Court of Law. In addition, there is no proof that any of the trees in the 2016 aerial shadows were alive in 2016, nor is there any proof that they were not dead, diseased or dying in 2019. In fact Tonneson submitted a picture of where the house was going to be sited taken in the spring of 2019 showing that there were few trees in the area selected for the house and that one large one among others was dying. (Tonneson package submitted pre-COVID lock down on 03/04/2020 and again electronically on or about 06/13/2020.) Mr. Finkbeiner provided aerial photos from 2016 that were taken when there were leaves on trees showing bare spots in this area confirming the Tonneson photo which was taken under the trees.

It can be argued that the trees within the septic area and the house envelope had to be cleared. The erosion code addresses some of this and Mr. Finkbeiner and Ms. Kopald seem to agree that a 40' buffer around the house is reasonable. The same argument of necessity can be made about the Borrow Pit area which is in fact a required Fire Apparatus Turnaround. Note that Mr. Finkbeiner initially acknowledged that this area might be a required turnaround, but then both he and Ms. Kopald continually referred to it using the pejorative term of Borrow Pit.

Finally, the boundaries of the driveway were added to the map using what appears to be the 50' right of way. A number of trees are just inside that perimeter on the south side. The actual paved road is narrower than 50' so while it might not have been necessary to cut any of these trees, no proof has been offered that they were cut, and no proof has been offered to show that they were not dead, diseased or dying. As evidence, page 5 of the June 2020 Tonneson submittal referenced above shows a very large tree touching the paved road, other trees are close, and the road appears to be much narrower than the 50' right of way. Note also that the drive way is part of a right of way that was first cleared by the Kopald family which still owns access rights to it even though Tonneson owns the land. It can be argued that Tonneson is obligated to maintain the right of way.

The Tonnesons have also claimed that there were a number of dead trees that presented a safety

hazard and had to be removed. In support of this claim, they presented a statement from the owner of a tree service who writes in paragraph 3, "I assert that the extreme Gypsy Moth infestation that has occurred over the last few years in and around the Town of Highlands has severely impacted the health of many mature trees that have and will certainly succumb to this blight." He adds that "hollow, dying and dead trees are prevalent and abundant in this community." He concludes by stating "that with my experience and knowledge, the Tonneson property is no exception to all the vast dead and dying trees in our community."

Once again I have come to the conclusion that reasonable doubt has been created and that Ms. Kopald is not aggrieved by tree cutting conducted on the Tonneson property.