

Report of the Tree Subcommittee to the Town Council

Town of Chevy Chase

Date: October 28, 2014

I. Introduction

In 2006, the Town adopted a section of its Code designed to provide for the conservation and management of its tree canopy. In 2011, the application of that Urban Forest Ordinance (or the “Ordinance” or the “Tree Ordinance”) was reviewed by the Environment Committee, and recommendations were made for improving its implementation, some of which were adopted by the Town Council in 2011.

In 2012 and 2013, members of the Climate and Environment Committee and other residents circulated memoranda recommending improvements in the Tree Ordinance to more effectively achieve its purposes. And, most recently, a petition representing approximately fifty households was presented to the Town requesting that the Tree Ordinance be amended so that residents could remove by right a certain number of large trees that they believed to be a hazard to their family or property, without requiring a determination by the Town Arborist and/or Tree Board that the tree(s) were dead, dying, hazardous or on the list of undesirable species (the current criteria for issuing a permit for removal).

In the spring of 2014, the Mayor empaneled a Tree Subcommittee made up of those members of the Climate and Environment Committee who had been circulating proposals for improving the Tree Ordinance, along with representatives of the petitioners and one other non-Committee member. The Subcommittee’s charge was twofold: to recommend changes or other action to address the issues raised by the petition and by the earlier proposals to change the Tree Ordinance.

The Subcommittee met several times over the summer and early fall. Considerable time was spent by the Subcommittee members to address both the issues raised in the petition and the proposals to change the Tree Ordinance. Following the meeting in mid-August, a separate set of proposed changes to the Tree Ordinance was condensed into “Six Principles” (Appendix C). In the view of some on the Subcommittee considerably more time was spent addressing issues in the petition. The members were not able to reach consensus on every issue, but in order to expedite progress on their charge, they hereby report their areas of agreement and disagreement, and present a few related ideas that the Town Council may want to consider.

The Report was submitted and briefed by the Subcommittee to the CEC on two occasions.

The Subcommittee has attached the following documents as appendices for the Council's reference:

- **Appendix A:** Data reported by Town staff on how many tree removal permits have been applied for, granted, or denied since the tree ordinance was adopted.
- **Appendix B:** Petition for Relaxation of the Tree Ordinance, April, 2014.
- **Appendix C:** Six principles presented to the Tree Subcommittee by Subcommittee members Harry Marshall, Judy McGuire, and John Fitzgerald, in July, 2014 in lieu of specific draft language addressing issues not in the petition¹, as subsequently modified following the September meeting of the Subcommittee.

II. Areas of agreement

- 1) The Subcommittee supports the concept of a Tree Ordinance and the Town's authority to regulate tree removals on private and public property. To this end, the Subcommittee fully believes that the Town should protect and promote a healthy tree canopy.
- 2) The Town's three main ordinances controlling major building expansion on lots should be applied together, early in the planning process for a particular building project. This is so that home constructions and major expansions will be done within both the set back and true tree protection zones while also obeying stormwater regulations, rather than pitting the requirements of one ordinance against another, and granting variances and waivers on the grounds that it is a hardship to have to design a home that preserves canopy trees and protects neighbors from flooding;
- 3) Tree protection plans and water retention and building plans potentially affecting nearby trees should be submitted as part of the building permit process and may be challenged by a resident to the extent they have reason to believe the tree protection plan violates the County Forest Code or the Town's Tree Ordinance;
- 4) Risk tolerance for living under very large trees differs among homeowners across the Town and can change over time depending on circumstances. While in theory, the Subcommittee agreed that, once in five years, a homeowner may seek a permit to remove one tree that, while seemingly healthy, is of a size and in a location that it could cause significant damage to an existing dwelling if it were to fall, the Subcommittee did not agree on the process or conditions (see "Areas of disagreement" Section IIIA below);
- 5) In the case of "size and location" removals described in point 4, the homeowner should be advised of possible ways to mitigate risk, such as cabling and pruning; it was recognized by the group that this advice may dissuade some, but not all,

¹ The more extensive draft language addressing issues including and beyond the petition is not attached as it was not considered, but is available upon request.

homeowners from removing a healthy tree that they fear because of size and location;

- 6) In the case of “size and location” removals described in point 4, the applicant shall plant a suitable replacement tree on the subject property or elsewhere within the Town;
- 7) Any changes to the Tree Ordinance allowing for the “size and location” removals described in point 4), immediately above, should “sunset” after five years unless the Town Council decides during the five-year period that the provision(s) should be maintained in force.
- 8) The Town Arborist should provide more detailed written explanations pertaining to his recommendations on tree removal applications, and these explanations should be posted on the Town website and by other appropriate notice;
- 9) As each arborist brings to a tree analysis his or her own training and experience, as well as judgment, and opinions will reasonably differ, the Tree Board should more often seek a second certified arborist’s opinion to help settle contested permits and the Tree Board should give reasons, with detailed explanations, to the public for its decisions;
- 10) The work of arborists is part art and part science and not infallible. Thus, the Town should make use of more advanced technological tools when appropriate that are available to diagnose the condition of trees, especially in cases where there is a difference of opinion about whether a particular tree should be removed; and
- 11) Town staff should record relevant data about all trees that are removed pursuant to the permitting process outlined in the Tree Ordinance, including condition before and after removal, size, species, evidence of internal rot before and after removal, etc., with the staff presenting an annual report to the Town Council summarizing this data.
- 12) Plans to remove or significantly reduce (i.e., prune) trees in public spaces and the Town right of way should be better publicized to residents a reasonable time in advance:
 - a. Notice should be posted on the subject tree, or if not visible from the street, on the public property in a location that is conspicuous from the street, setting forth the reason(s) for the removal or reduction, and a deadline for submitting comments;
 - b. A description of the proposed removal or reduction and the reason(s) therefor should be posted on the Town website and delivered to nearby residents who may be impacted;

- 13) Any proposed action for removal of trees in public spaces or the Town right of way should be subject to standards and Ordinance applications and review procedures as strict as those that apply to trees on private property; and
- 14) To enforce those standards and procedures, all residents should have the right to comment to the Town Manager on a proposed removal or substantial reduction of a public tree, and also to appeal to the Tree Board any approved removal or substantial reduction of a public tree.

III. Areas of disagreement for the Council to consider

A. Regarding the idea of allowing residents to remove one tree in five years that is of a size and location that could pose a hazard to persons or property, the Subcommittee was unable to agree what conditions or limitations to impose on this type of removal. Some members of the Subcommittee believe strongly that residents should have to go through the same process to obtain approval to remove a tree based on size and location hazard as is now required under the Ordinance for removal of all applicable canopy trees. As a result, regarding the “size and location” criteria, numerous disagreements remain among the Subcommittee members, including:

1. Would these types of removals be allowed “by right” or would Town authorities need to determine some degree of hazard before a tree could be removed?
2. Must the Town arborist agree that the tree would cause damage to people or a dwelling if it were to fall?
3. Could these applications be opposed and/or commented upon by other concerned residents?
4. Should an application that has been granted be appealable to the Tree Board, and if so, by whom?
5. Should a resident seeking to remove a healthy tree be required to have undertaken all reasonable steps beforehand to reduce and mitigate any perceived risk?

B. There was disagreement about whether extending reasonable notice and appeal rights to all residents should apply to private tree removals. See Appendix C, which is a statement of six principles for expanding protections for public and private trees, which was brought to the Subcommittee by three of its members.

C. There was disagreement about who should have the right to comment on an application for a tree removal on private property, or to appeal the Town Manager’s decision to allow removal, and if so, whether it should just be abutting and opposing neighbors, or downhill neighbors, or neighbors on the same block, etc.

IV. Additional related ideas for the Council to consider

- A. Replacing ecological value of removed trees: the extent to which those removing trees that are not dead or dying or nuisance trees should have to replace the services those trees provided to their neighbors, such as cooling shade, water retention and run-off prevention, air filtering, and bird habitat. A table of equivalencies could be prepared to make this completely clear (e.g., perhaps one oak tree that is 48” in diameter at breast height is equivalent to five oak trees that are 6” in diameter or a ½ acre of native grasses).

This can be done in various different ways, for example, by requiring an equivalency to be planted on the lot or elsewhere in the Town. Alternatively, those removing trees could be required to contribute to a fund to pay for such plantings if, for example, they are not feasible in the same season. Precise levels of services can be calculated using iTree, a program offered by the USDA Forest Service on the web.

- B. Nuisance trees: The Subcommittee believes there should be regular reviews of the list of nuisance trees to see if it should be reduced or expanded (for example to include tulip poplars greater than a certain size, or to remove spruces from the list), or made to depend on the circumstances or location of a given tree rather than having the “nuisance” designation applied in a blanket manner to all trees of a given species or type.
- C. Replacement tree specifications: These need to be further defined.

The above being agreed upon, this report is hereby submitted by the members of the Subcommittee: John Fitzgerald, John Kolakowski (Chair), Elizabeth MacDonald, Paul Magnusson, Harry Marshall, and Judy McGuire.

Council Liaison: Vicky Taplin

Appendix A



Town Tree Care: Practices and Policies

Strategic Plan (2006–2016)

- ▶ Principle 4: The Town of Chevy Chase seeks to be a model community in the stewardship of its natural resources.

Goal 2: The Town preserves and expands the tree canopy.

Strategy A: Vigorously publicize and enforce the Town's tree ordinance and monitor its effectiveness and amend it as needed.

Strategy B: Encourage residents to plant appropriate canopy trees on private property.

Public Trees – Town Practices

Monitoring

- Town Arborist completes routine and regular inspections from the ground
 - Arborist may request further evaluation from contracted tree climber
- Town also responds to:
 - requests by residents to inspect public trees
 - alerts by contracted climbers about potential hazardous conditions in tree
- Town Arborist completes hazardous tree survey every 2–3 years from ground

Pruning and Removals

- Deadwood
- Obstructions to vehicles and pedestrians by low hanging branches
- Obstructions to power lines (PEPCO in consultation with Town arborist)
- Hazardous conditions in trees
- Hazardous trees
- Dead Trees

Installation and Maintenance

- Planting
 - To augment tree canopy
 - To replace removed trees
 - To fulfill resident requests
- Maintenance
 - Watering (1–2 years after installation)
 - Mulching (Contracted first year after installation)
 - Fertilizing as needed (1–2 years after installation)

Town Arborist

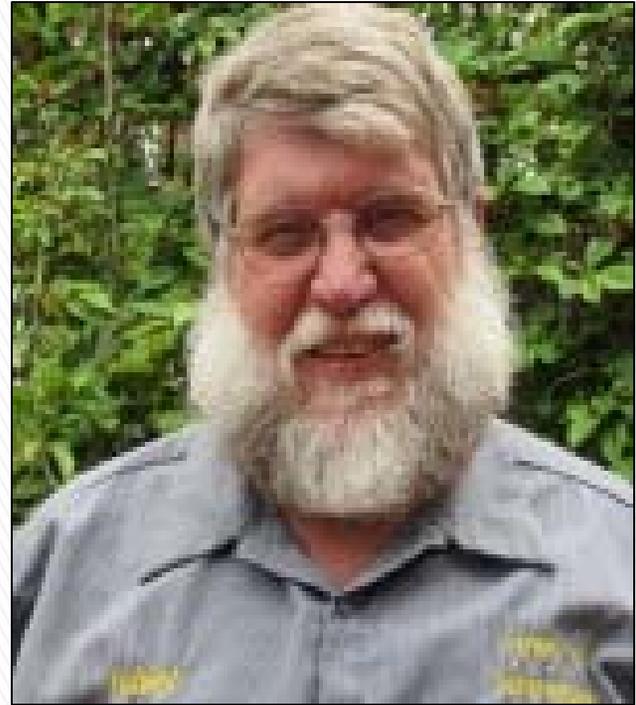
Dr. Tolbert Feather

Certification

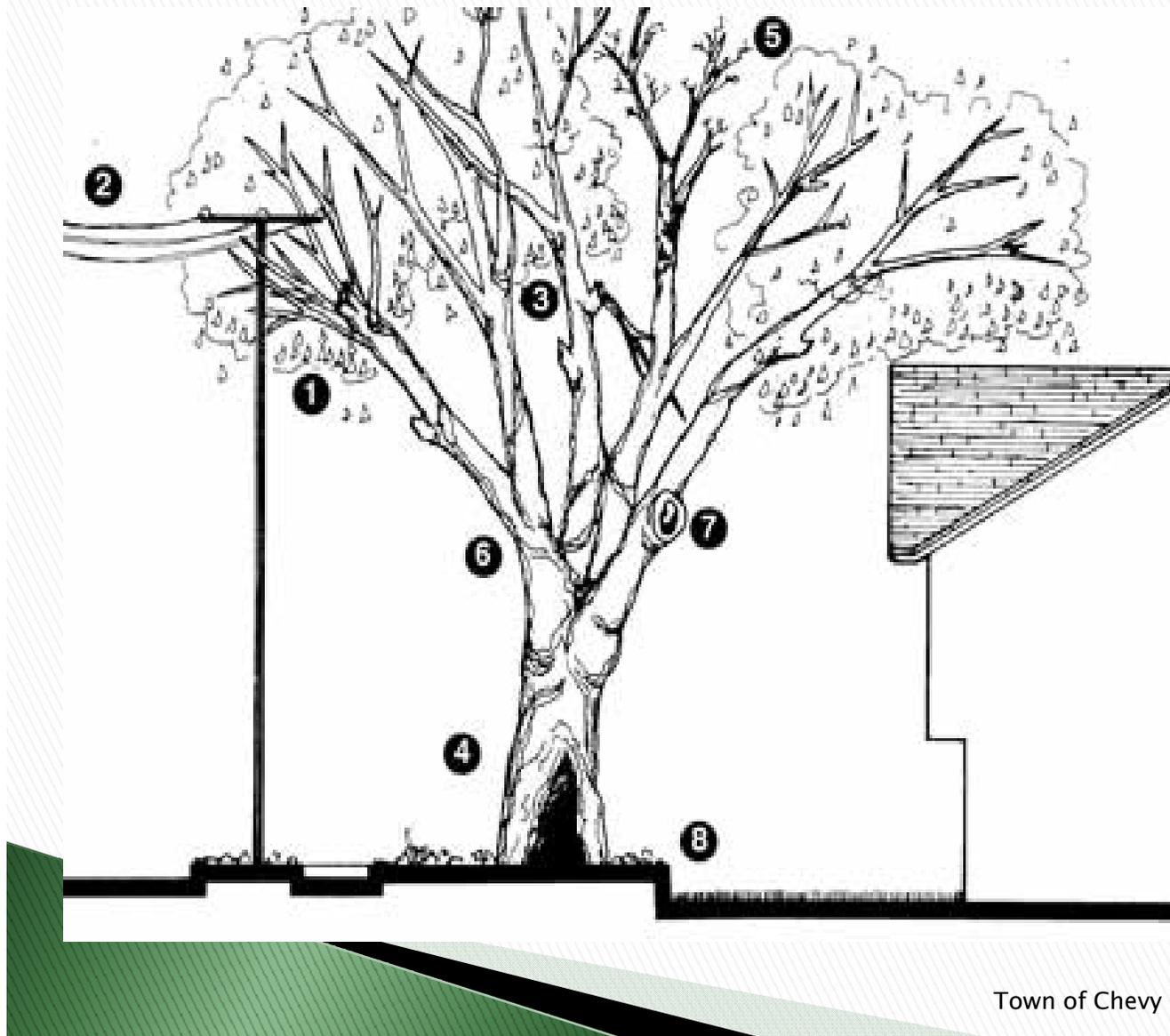
- Maryland Tree Expert License
- International Society of Arboriculture Certified Arborist
- Ph.D. Plant Pathology

Town consultant since 1989

Also works for Chevy Chase Village, Somerset, Metropolitan Washington Airports Authority



Public Trees – Monitoring Urban Trees



The Arborist looks for the following as signs of possible defects in trees (see figure):

1. regrowth from topping, line clearance, or other pruning
2. electrical line adjacent to tree
3. broken or partially attached branch
4. open cavity in trunk or branch
5. dead or dying branches
6. branches arising from a single point on the trunk
7. decay and rot present in old wounds
8. recent change in grade or soil level, or other construction

Public Trees – Facts & Expenditures

- ▶ **Public Tree Facts (July 2009–June 2012)**

- 139 public trees removed

- 233 public trees planted

- ▶ **Public Tree Facts (July 2012–September 2014)**

- 63 public trees removed

- 211 public trees planted

*Note: Since 2000, smaller trees planted under power lines

- ▶ **Town Public Tree Expenditures:**

	FY10	FY11	FY12	FY13	FY14	FY15 Budget
Public Tree Planting	\$23,297	\$23,228	\$18,507	\$33,335	\$26,349	\$30,000
Public Tree Maintenance	\$153,385	\$176,153	\$172,443	\$209,637	\$163,640	\$150,000
Arborist Services	\$32,965	\$24,990	\$24,650	\$43,180	\$34,255	\$30,000

Public Trees – PEPCO Vegetative Management

▶ Standards:

- Reliability standards for pruning are adopted by the MD Public Service Commission. New standards went into effect May 28, 2012.
- New standards include pruning to a 4 year growth (i.e. limbs will remain clear of lines for a period of 4 years following pruning). Tree is removed if more than 25% of its canopy needs to be pruned to meet the 4 year growth standard or if the tree is hazardous.
- PEPCO's contractor follows MD DNR Roadside Tree Care Standards for pruning.

▶ Process:

- PEPCO informs the Town of upcoming pruning work.
- Removal requests are submitted to the Town Arborist for review.
- The Town Arborist meets with PEPCO's arborist to review the proposed work and either approves, denies or modifies the removal requests.
- Arborist evaluates work to ensure proper pruning techniques are followed.

▶ Spring/Summer 2012:

- PEPCO removal requests: 20 public trees, 3 private tree
- Town approvals: 10 public trees, 3 private tree

▶ Summer/Fall 2012:

- PEPCO removal requests: 45 public trees, 6 private tree
- Town approvals: 21 public trees, 6 private tree

▶ 2013–2014 PEPCO Removals:

- PEPCO removal requests: 2 public trees, 1 private tree
- Town approvals: 2 public trees, 1 private tree

Private Trees –Urban Forest Ordinance History

- 2003 : Adoption of first Tree Protection Ordinance
- 2006 : Adoption of revised Urban Forest Ordinance after public hearing in 2005
- 2010 : Review of operation of the Urban Forest Ordinance by Environment Committee (EC), at request of Council
- 2010/11: EC undertakes public survey and interviews key stakeholders
- 2011 (May): EC recommends revisions to Ordinance to 1) clarify some existing provisions, 2) increase public notification of pending tree removal applications and tree protection plans, and 3) clarify and expand penalties for violating the ordinance
- 2011 (Sept): Public hearing and adoption of proposed amendments to Urban Forest Ordinance

Private Trees – Tree Removal Regulations

The Town's Urban Forest Ordinance:

- Makes it unlawful to damage, remove, or destroy any canopy tree (defined as any tree with a circumference of 24" or greater 4 ½ feet above the ground) without first obtaining a Tree Removal Permit from the Town.
- Authorizes the Town Manager to issue a permit only if the tree is certified by the Town arborist to be dead, dying, in danger of falling, a hazard to persons or property, or an "undesirable tree species" as adopted by the Council.
- Establishes a five-member Tree Ordinance Board appointed by the Mayor to hear appeals when a Tree Removal Permit is denied.
Applicants denied removal by the Town have 30 days to appeal to the Tree Board. The ordinance lists eight factors that the board must consider in evaluating tree removal.
- Establishes a maximum \$1,000 municipal fine for failing to obtain a Tree Removal Permit

Private Trees - Tree Removal Regulations

The following “undesirable tree species” automatically receive approval for removal:

- Mulberry
- Boxelder
- Black Locust
- Black Cherry
- Bradford Pear
- Tree of Heaven
- Norway Maple
- Leyland Cypress
- False Cypress
- Virginia Juniper
- Arborvitae
- Canadian Hemlock
- White Pine
- Spruce

Permits are still required, however, for removal of the tree if over 24” in circumference.

Private Trees – Tree Removal Regulations

Factors considered by Tree Board in Evaluating an Appeal:

- The reasons cited by the applicant for wanting to remove the canopy tree.
- The applicant's intention to plant replacement trees, with consideration of the number, size and desirability of species, and with a minimum goal of replacing the canopy tree to be removed.
- The applicant's intention to retain and protect existing trees.
- The facts in support or opposition presented by town residents.
- Information provided by the town arborist.
- The extent to which no alternative to canopy tree removal exists that would allow the proposed development, construction, or land use otherwise permitted under the town building code.
- The desirability of preserving a canopy tree by reason of its age, size or outstanding qualities, including uniqueness, rarity or species.
- The overall effect on the tree canopy of the adjacent properties, the neighborhood and the town.
- The aggregate or cumulative effect of the proposed canopy tree removal(s), including any and all canopy tree removals from the property within the prior two-year period.

Private Trees - Tree Removal Regulations

Statistics: (July 1, 2009 – July 1, 2012)

- 232 Tree removal permit applications (some applications for multiple trees on single property)
- 381 Trees approved for removal by Town
- 25 Trees denied for removal
- 16 Trees appealed to Tree Ordinance Board
- 14 Trees approved for removal by Board
- 1 Trees denied for removal by Board
- 1 Tree appeal withdrawn

Private Trees – Tree Removal Regulations

Statistics: (July 1, 2012 – Present)

- 190 Tree removal permit applications (some applications for multiple trees on single property)
- 343 Trees approved for removal by Town
- 18 Trees denied for removal
- 19 Trees appealed to Tree Ordinance Board
- 16 Trees approved for removal by Board
- 3 Trees denied for removal by Board

Percentage of Trees Removed by Type:- July, 2009 to Present

Tree	Percentage
Hemlock	9.29%
<u>Pine</u>	8.64%
<u>Norway Maple</u>	7.98%
Tulip Poplar	6.54%
<u>Leyland Cypress</u>	4.84%
<u>Spruce</u>	4.84%
Holly	4.19%
Red Maple	3.93%
Beech	3.66%
Cherry	3.66%
Red Oak	3.66%
Cedar	3.27%
Elm	2.88%
<u>Arborvitae</u>	2.75%
Ash	2.75%
<u>Mulberry</u>	2.36%
Oak	2.36%
Silver Maple	2.36%
<u>Boxelder</u>	2.09%
Black Locust	1.83%
Magnolia	1.57%
Sugar Maple	1.31%
Dogwood	1.18%
Hickory	1.18%
<u>False Cypress</u>	1.05%
Scarlet Oak	0.92%
<u>Bradford Pear</u>	0.79%

Tree	Percentage
Japanese Maple	0.79%
Poplar	0.79%
Walnut	0.79%
Birch	0.52%
Crabapple	0.52%
Crepemyrtle	0.52%
Pin Oak	0.52%
Blackgum	0.39%
Catalpa	0.39%
Princess Tree	0.39%
Katsuratree	0.26%
Redbud	0.26%
Tilia	0.26%
Apple	0.13%
Black Oak	0.13%
Fig	0.13%
Fir	0.13%
Horsechestnut	0.13%
Larch	0.13%
Plum	0.13%
Southern Magnolia	0.13%
Sweetgum	0.13%
Sycamore	0.13%
<u>Tree of Heaven</u>	0.13%
White Oak	0.13%
Willow Oak	0.13%

*Underlined trees are designated as undesirable by the Town.

Private Trees – Tree Protection Regulations

An approved tree protection plan is required before undertaking any construction activity that poses a risk to a canopy tree – whether or not the project requires a building permit.

- The Town Arborist is available to assist in preparing protection plans or can provide feedback on preliminary plans prior to submittal.
- Tree protection for each tree is evaluated based on tree size, health, site conditions, proximity to work area, and extent and type of work.
- If the proposed work requires a building permit, the approved tree protection plan is incorporated as a condition of the approval.
- The Town inspects to make sure tree protection measures are correctly installed prior to allowing site disturbance.

Typical tree protection measures include:

- 6' chain link fence to delineate allowable areas of disturbance
- Installation of wood chips to protect against root compaction
- Wrapping of trunks to prevent damage by equipment
- Requiring piered foundations to minimize excavation near critical root zones
- Routing underground utilities to preserve trees

Violation of a tree protection plan can result in a citation or stop-work order

Private Trees – Promoting Tree Care

Consulting Arborist Program:

- The Town's program offers each homeowner in Town one consulting arborist visit every two years.
- The arborist visits a resident's property and reports on tree health and care specific to the property.
- The arborist examines trees from the ground for pest infestation and hazardous conditions, such as deadwood, rot, or co-dominant branches.

348 visits since January 2012

\$16,915 spent FY13–FY14

Private Trees – Promoting Tree Care

Native Canopy Tree Planting Program:

The Program provides a limited number of canopy trees each year to residents for planting on private property.

Process:

- The arborist works with residents, in the order of request, to determine planting location and species choice.
- Six species of canopy trees are available through the program.
- The Town purchases and installs the trees.
- Trees are planted in spring or fall depending on species.
- Residents are provided a watering bag and maintenance instructions and are responsible for the long-term care of the tree(s).

38 trees planted since Fall 2012

\$15,014 spent FY 13–14

June 2012 Storm Damage

Statistics:

14 large canopy trees were downed (5 private, 9 public)

- 5 trees fell on homes (1 private, 4 public)
- 4 public trees were destroyed by private trees
- 2 private and 3 public trees downed electric wires

Arborist conducted hazardous tree survey of public trees in aftermath of storm.

22 trees were identified for removal within one year

21 trees were identified for removal within two years

Damage in other jurisdictions varied:

50 – Chevy Chase View

44 – North Chevy Chase

9 – Chevy Chase Village

Next Steps

Council has asked the Climate and Environment Committee to recommend new Town-sponsored initiatives or programs to encourage residents to provide for the care and maintenance of canopy trees on private property.

- The goal is to consider additional ways to promote a healthy canopy. Experts recommend:
 - regular tree inspections
 - soil management
 - pruning
 - mulching
 - removal of diseased, dead or dying trees.

Next Steps

Share your ideas on ways the Town can provide better tree care and protection.

Write to the Town Council via
townoffice@townofchevy Chase.org

The Council will hold a special work session in November to discuss the issue.

Appendix B

Petition for Relaxation of the Tree Ordinance

We, the undersigned, believe that the tree ordinance is overly restrictive, poses potential danger to life and property, and is unnecessary for protection of the tree canopy, a goal which could be achieved through measures that permit individual homeowners better to manage their trees and property in harmony with the town's goals of keeping a tree canopy.

1. Overly restrictive and poses potential danger. The tree ordinance effectively permits removal of a canopy tree only when that tree is sick. However, it is not always apparent when a tree is sick. Some trees are adjudged to be healthy, later to fall: others drop limbs on cars and houses, causing enormous damage, often without extreme weather. Other healthy trees come down and cause terrible destruction during storms. We submit that many of the trees in the town are too old and too big to be in such close proximity to houses. Our town is nearly 100 years old, and many of the trees were planted or grew 100 years ago. In a forest, these trees would fall in storms and new trees would take their place. In the town, however, the natural way of managing such large trees is impossible because falling trees can kill people. Thus, we are forced to maintain huge trees, wondering during each storm whether this will be the time that someone will die or our house or our neighbor's will be destroyed. Trees do not live forever, and we should not test their limits with our lives.

Further, because we are maintaining a forest that was planted or grew randomly 100 years ago, we are not all similarly situated. Some people have few trees, others have multiple trees, or enormous trees feet from their front doors. The tree ordinance therefore forces some people and their neighbors to live in danger, while leaving others unaffected. This creates perverse incentives and inhibits replanting trees, since once one is planted, it may not be possible to get it down.

2. A better approach. We submit that the restrictions are unnecessary for achieving maintenance of the tree canopy. We acknowledge that if the tree ordinance were to be relaxed, in the short-term it is likely that more trees would be cut down. We believe that this will actually bring the town into a better balance and will create incentives for better, longer-term tree maintenance as the older trees make way for younger, healthier trees.

We believe that the replacement ordinance should contain one or more of the elements described below, which encourage maintenance of the tree canopy while permitting homeowners greater freedom to manage their property, consistent with a balance between safety and trees.

- Time limits. Permit one elective tree to be taken down every 24 months and two elective trees to be taken down in a 48 month period (time period could be subject to discussion). If two trees come down in a 48 month period, they must be replaced by a large sapling canopy tree of the homeowner's choice and in the place of the homeowner's choosing.
 - Time limits would prevent clear cutting. A homeowner wishing to remove 4 healthy trees from their property in succession would have to wait 8 years and

replace two of them, which would not allow them to clear-cut. If a homeowner wished to remove trees without replacing them, they would have to wait nearly a decade (tree 1 comes down year 1, if tree two comes down in year 2-4, then there would be a replacement, but otherwise they could not remove the next tree until year 5, which would start the clock again, and require them to replace a tree that came down in year 5-9). Thus, in this scenario, removal of 2 or more trees without replacing one of them could take up to 9 years, which is inconsistent with clear-cutting.

- Allow homeowners to choose different types of trees. As noted above, many of the trees were planted and grew at random, and a homeowner may have a tree that they dislike or is badly situated. Consistent with allowing homeowners to manage their trees, as an alternative or a complement to the above, a homeowner could be permitted a limited number of “exchanges” – one tree for another, with a mandatory replacement of one tree with another in a species of the homeowner’s choice (perhaps combined with time limits, as described above, such as permitting only a certain number of preferential exchanges in a 5 or ten-year period).
- Recognition that we are not all similarly situated. There should be an appeal process that recognizes the difference between lots. If one homeowner has, for example, 10 trees on a small lot, they could be required to replace one in three trees, rather than one in 2 trees. The time frame should nonetheless remain the same.
- No restrictions on removing diseased or hazardous trees, consistent with existing tree ordinance.
- Building permits that have ancillary effects on trees should proceed in the ordinary course.

Appendix C

[The text of the Six Principles, with modifications indicated as included following the Subcommittee meeting on 9-11.14]

Resolved, that appropriate provisions in Chapter 29 of the Municipal Code of the Town of Chevy Chase be amended to achieve the following principles:

- (a) Require that for any tree removal or significant reduction, notice thereof shall be posted in a location conspicuous, from the street, on the subject property, setting forth the reason for such request and a deadline for submitting any comments, and a copy of the application shall be posted on the Town website and delivered to abutting and opposite neighbors a reasonable time prior to consideration of the issuance of any permit; (b) allow any town resident to challenge comment in writing regarding the permit application; and (c) require that such objections comments shall be addressed in writing by the Town Manager in deciding whether to issue the permit; and (d) require that such decision be promptly placed on the Town website and notice of such action be posted in a location conspicuous, from the street, on the subject property, setting forth the reason for such decision.
- Require that the Town Arborist provide reasons in writing for recommending or taking any particular action on a tree removal or reduction application on the Town website, and by way of other appropriate notice, and that no action on the application or permit permit may occur until a reasonable time following such website publication. Further, if the application states that the tree is hazardous, require that the Town Arborist describe, along with such reasons, how any risk involved could be minimized and that the opinion of a second board certified arborist be obtained and considered in the context of taking action on the application.
- Provide for appeal in writing to the Tree Ordinance Board by any resident of the decision of the Town Manager to issue a permit and that during the pendency of any appeal the permit shall be suspended.
- Provide that the Tree Ordinance Board as part of its deliberations may commission an additional arborist's opinion and its decision shall include its reasons for denying or granting the appeal which shall be posted on the Town website and otherwise provided.
- Provide that tree protection plans and water retention and building plans potentially affecting nearby trees be submitted as part of building permit process and may be challenged by a resident and subject to same review and jurisdiction of Tree Ordinance Board, in the same manner as applications for tree removal or reduction.
- Incorporate procedures by which residents (a) are given reasonable notice of any Town proposal to remove or significantly reduce a canopy tree in a right of way by posting such on the Town website, delivering such to residents of the affected block, and posting such on the affected tree; and (b) may appeal such proposed removal or substantial reduction in the same manner as they could that of an application to remove or significantly reduce a canopy tree on private property in the Town. With respect to any tree taken down pursuant to a permit or any tree in the right of way, the Town Manager shall maintain a record taken, before and after the removal, of its size, species, diagnosed state of health, including evidence of internal rot and negative effects (e.g., flooding and erosion) evident because of such removal during the five years thereafter. Such record shall be published annually on the Town website and presented annually to the Town Council and the Environment Committee for their review