

## Tree Removal Appeals Process

An applicant who is denied a permit by the Town Manager may appeal the decision by filing a written appeal to the Tree Ordinance Board within thirty (30) days of the Town Manager's denial of the application for a permit. Upon receipt of an appeal, at least seven days prior to the hearing, the Town Manager will issue a notice of public hearing to all adjacent and confronting properties and post a Notice of Public Hearing sign on the property. At the hearing, the Tree Ordinance Board may affirm the denial of a permit, may direct the Town Manager to issue a permit, or may direct the Town Manager to issue a permit upon such conditions, terms, or restrictions as the Board may deem necessary to accomplish the intent and purposes of Chapter 29 of the Town Code.

### **Factors to be Considered**

The Tree Ordinance Board shall consider the following factors in deciding whether to approve or deny a request for a Tree Removal Permit for a tree that does not qualify for removal under Chapter. 29-6 of the Town Code.

- (1) The reasons cited by the applicant for wanting to remove the tree.
- (2) 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 tree to be removed.
- (3) The applicant's intention to retain and protect existing trees.
- (4) The facts in support or opposition presented by town residents.
- (5) Information provided by the Town Arborist.
- (6) The extent to which no alternative to tree removal exists that would allow the proposed development, construction, or land use otherwise permitted under the Town Building Code.
- (7) The desirability of preserving a tree by reason of its age, size or outstanding qualities, including uniqueness, rarity or species.
- (8) The overall effect on the tree canopy of the adjacent properties, the neighborhood and the Town.

Within 30 days of the date of the issuance of a decision of the Tree Ordinance Board any aggrieved party may seek judicial review of the decision by filing a petition for judicial review in accordance with Title 7, Chapter 200, Judicial Review of Administrative Agency Decisions, of the Maryland Rules of Procedure.