Request for removal of
(a) one 16.8-inch diameter Spruce tree,
(b) one 10.0-inch Holly tree, and
(c) one 12.0-inch Holly tree,
all located in the Kirkside Drive Public Right-of-Way.

Laura M. Billings &
David A. O'Neil
5803 Kirkside Drive

5906 Connecticut Avenue
Chevy Chase, MD 20815
301-654-7300 Phone
301-907-9721 Facsimile
ccvpermitting@montgomerycountymd.gov

Chevy Chase Village

Memo

To: Tree Committee

From: Ellen Sands, Permitting & Code Enforcement Coordinator

Date: 5/5/2011

Re: Request for Removal of Trees in the Public Right-of-Way

The owners of 5803 Kirkside Drive, Ms. Laura M. Billings and Mr. David A. O'Neil, have requested the removal of one 16.8" diameter Spruce tree, one 10.0" diameter Holly tree and one 12.0" diameter Holly tree, all located in the Kirkside Drive public right-of-way. The residents request the removals as part of an overall landscape and hardscape rejuvenation project.

This request will be heard by the Board of Managers at its regular monthly meeting on Monday, May 16, 2011 at 7:30 p.m. Please note that this is not an appeal, but is being brought to the Board as a New Business item.

The matter is being brought to the Tree Committee's attention so members can provide their feedback to the Board. Attached please find the residents' statement to the Board, which includes renderings of the proposed new yard design, along with photos of the subject trees, a plat locating the trees and the Village arborist's inspection report. The subject trees have been tagged with pink ribbon.

Please feel free to contact me directly should you have any questions, need additional information or to submit your comments regarding this request.

5803 Kirkside Drive

Figure 1: View of 5803 Kirkside Drive. Subject trees are to the right (south) in photo in the Kirkside Drive public right-of-way.

Figure 2: Looking south toward subject trees (marked with pink ribbon). The near tree in the photos is to remain and is not requested for removal. Subject Spruce tree is visible beyond and above subject Hollies.

Figure 3: View of 5803 Kirkside Drive Hollies (marked with pink ribbon) requested for removal.

Figure 4: View north towards subject trees, marked with pink ribbons.

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Chevy Chase Village

Tree Inspection Request Form

Property Address: 5803 Kirkside Drive

Date this form submitted to Village office: 9/22/10

Resident Name: David O'Neil and Laura Billings

Phone: (home) 301-654-1970 (Dave work) 202-514-3712 (Laura work) 202-626-5807

E-mail: david.o'neil@usdoj.gov / lbillings@milchev.com

This request initiated by: ☐ Village office staff. ☒ Resident/property owner

☒ Inspect tree(s)[1] requested for removal -- are any conditions in CCV Code Sec. 17-3(a) met? [$50/tree fee]
☐ Inspect trees[1] on property to determine if a Tree Protection Plan (TPP) is needed for proposed project[2].
☐ Pursuant to a Village Bldg Permit application[2], prepare TPP for trees[1] on property [$250 fee]
☐ Verify that a TPP has been implemented for Village Building Permit #_____.
☐ Follow up on an existing TPP -- is it OK to remove TPP?
☐ Village right-of-way/park
☐ Other:_____

[1] *Show location of tree(s) on a plat or site plan (or on diagram on reverse, but only if plat unavailable).*
[2] *Attach full description of proposed project.*

Sections below must be completed by Village Arborist:

Tree #1: ☐ Private Property ☐ Village right-of-way
Location: ☐ Rear ☐ Front ☐ Side-L ☐ Side-R
DBH*=_____ Species: _____ Tag#:_____ ☐ n/a: no tag.
Assessment: _____

Tree #2: ☐ Private Property ☐ Village right-of-way
Location: ☐ Rear ☐ Front ☐ Side-L ☐ Side-R
DBH*=_____ Species: _____ Tag#:_____ ☐ n/a: no tag.
Assessment: _____

Tree #3: ☐ Private Property ☐ Village right-of-way
Location: ☐ Rear ☐ Front ☐ Side-L ☐ Side-R
DBH*=_____ Species: _____ Tag#:_____ ☐ n/a: no tag.
Assessment: _____

(For more trees, please check here ☐ and attach pages: # of extra trees___; # of extra pages___.)

Arborist assessment: Does tree meet any of the conditions in Village Code 17-3 to qualify for removal?

	Removal Approved	Denied
Tree #1	☐	☐
Tree #2	☐	☐
Tree #3	☐	☐

*Is permit required? (i.e, is trunk circumf. ≥24"?)

	Y	N
Tree #1	☐	☐
Tree #2	☐	☐
Tree #3	☐	☐

Arborist Signature _____ **Date** 10-6-10

Sections below must be completed by Village Arborist:

Tree #1: ☑ Private Property ☐ Village right-of-way
Location: ☐ Rear ☑ Front ☐ Side-L ☐ Side-R
DBH*= 6.5 Species: Native Dogwood Tag#: _____ ☐ n/a: no tag.
Assessment: undersize TD APP OK NO PERMIT REQ'D

Tree #2 ☑ Private Property ☐ Village right-of-way
Location: ☐ Rear ☑ Front ☐ Side-L ☐ Side-R
DBH*= 16.8 Species: Spruce (R.O.W.) Tag#: _____ ☐ n/a: no tag.
Assessment: healthy TD denied NO Subject tree

Tree #3: ☑ Private Property ☐ Village right-of-way
Location: ☐ Rear ☑ Front ☐ Side-L ☐ Side-R
DBH*= 10.0 Species: Hemlock Tag#: _____ ☐ n/a: no tag.
Assessment: Declining TD ~~OK~~ APP OK - permit req'd

Tree #4 ☑ Private Property ☐ Village right-of-way
Location: ☐ Rear ☑ Front ☐ Side-L ☐ Side-R
DBH*= 10.0 Species: Honey (R.O.W.) Tag#: _____ ☐ n/a: no tag. Subject tree
Assessment: Healthy TD denied NO

Tree #5: ☑ Private Property ☐ Village right-of-way
Location: ☐ Rear ☐ Front ☐ Side-L ☐ Side-R
DBH*= 12.0 Species: Honey (R.O.W.) Tag#: _____ ☐ n/a: no tag. Subject Tree
Assessment: Healthy TD denied NO

Tree #6: ☑ Private Property ☐ Village right-of-way
Location: ☐ Rear ☑ Front ☐ Side-L ☐ Side-R (R.O.W.)
DBH*= 17.0 Species: Sawer Magnolia Tag#: _____ ☐ n/a: no tag.
Assessment: Healthy TD denied NO

Tree #7: ☑ Private Property ☐ Village right-of-way
Location: ☐ Rear ☑ Front ☐ Side-L ☐ Side-R
DBH*= 7.2" Species: Crabapple Tag#: _____ ☐ n/a: no tag. OK NO permit req'd
Assessment: declining TD ~~OK~~ APP

Tree #8: ☑ Private Property ☐ Village right-of-way
Location: ☐ Rear ☐ Front ☑ Side-L ☐ Side-R
DBH*= 11.0 Species: Southern Magnolia Tag#: _____ ☐ n/a: no tag.
Assessment: Tree is too close to foundation TD APPROVED yes permit req'd

Tree #9: ☑ Private Property ☐ Village right-of-way
Location: ☐ Rear ☐ Front ☑ Side-L ☐ Side-R
DBH*= 6.0 Species: Kousa Dogwood Tag#: _____ ☐ n/a: no tag. No permit req'd
Assessment: undersize

(For more trees, please check here and attach pages: # of extra trees___; # of extra pages___.)

Arborist assessment: Does tree meet any of the conditions in Village Code 17-3 to qualify for removal?

Arborist Signature _____ **Date** 10-6-10

Sections below must be completed by Village Arborist:

Tree #10: ☑ Private Property ☐ Village right-of-way
Location: ☐ Rear ☐ Front ☑ Side-L ☐ Side-R
DBH*= 7.0 Species: Kousa Dogwood Tag#: _____ ☐ n/a: no tag. no permit req'd
Assessment: undersize

Tree #11: ☑ Private Property ☐ Village right-of-way
Location: ☐ Rear ☐ Front ☑ Side-L ☐ Side-R
DBH*= 6.0 Species: Kousa Dogwood Tag#: _____ ☐ n/a: no tag. no permit req'd
Assessment: undersize

Tree #12: ☑ Private Property ☐ Village right-of-way
Location: ☑ Rear ☐ Front ☐ Side-L ☐ Side-R
DBH*= 8.5 Species: Holly Tag#: _____ ☐ n/a: no tag.
Assessment: ARMILLARIA ROOT ROT TD APPROVED OK - permit req'd

Tree #13: ☑ Private Property ☐ Village right-of-way
Location: ☑ Rear ☐ Front ☐ Side-L ☐ Side-R
DBH*= _____ Species: Holly Tag#: _____ ☐ n/a: no tag. OK - NO PERMIT
Assessment: ARMILLARIA ROOT ROT TD APP

Tree #14: ☑ Private Property ☐ Village right-of-way
Location: ☑ Rear ☐ Front ☐ Side-L ☐ Side-R
DBH*= 6.0 Species: Holly Tag#: _____ ☐ n/a: no tag. OK NO PERMIT
Assessment: undersize

Tree #15: ☑ Private Property ☐ Village right-of-way
Location: ☑ Rear ☐ Front ☐ Side-L ☐ Side-R
DBH*= 10.3 Species: Hemlock Tag#: _____ ☐ n/a: no tag. OK PERMIT REQ'D
Assessment: Tree is too close to house TD APP

Tree #16: ☑ Private Property ☐ Village right-of-way
Location: ☑ Rear ☐ Front ☐ Side-L ☐ Side-R
DBH*= 6.8 Species: Hemlock Tag#: _____ ☐ n/a: no tag. OK - NO PERMIT REQ'D
Assessment: undersize

Tree #17: ☑ Private Property ☐ Village right-of-way
Location: ☑ Rear ☐ Front ☐ Side-L ☐ Side-R
DBH*= 13.7 Species: Hemlock Tag#: _____ ☐ n/a: no tag. NO
Assessment: Healthy TD DENIED

appr'd by TF.

Tree #19: ☑ Private Property ☐ Village right-of-way
Location: ☑ Rear ☐ Front ☐ Side-L ☐ Side-R
DBH*= 4.0 Species: Hemlock Tag#: _____ ☐ n/a: no tag. OK - NO PERMIT REQ'D
Assessment: undersize

(For more trees, please check here and attach pages: # of extra trees___; # of extra pages___.)

Arborist assessment: Does tree meet any of the conditions in Village Code 17-3 to qualify for removal?

Arborist Signature _____ **Date** 10-6-10

Sections below must be completed by Village Arborist:

* 20 **Tree #1**: ☑ Private Property ☐ Village right-of-way
Location: ☑ Rear ☐ Front ☐ Side-L ☐ Side-R
DBH*= 25.0 Species: False Cypress Tag#: _____ ☐ n/a: no tag.
Assessment: healthy TD DENIED

appr'd by TF

NO

* 21 **Tree #2**: ☐ Private Property ☐ Village right-of-way
Location: ☑ Rear ☐ Front ☐ Side-L ☐ Side-R
DBH*= 15.0 Species: ARBOVATIG Tag#: _____ ☐ n/a: no tag.
Assessment: declining TD APP

NO PERMIT REQ'D

* 22 **Tree #3**: ☑ Private Property ☐ Village right-of-way
Location: ☑ Rear ☐ Front ☐ Side-L ☐ Side-R
DBH*= 7.8 Species: Arborvitae Tag#: _____ ☐ n/a: no tag.
Assessment: declining TD APP

NO PERMIT REQ'D

appr'd by TF

* 23 **Tree #4**: ☑ Private Property ☐ Village right-of-way
Location: ☑ Rear ☐ Front ☐ Side-L ☐ Side-R
DBH*= 8.0 Species: Hemlock Tag#: _____ ☐ n/a: no tag.
Assessment: declining TD APP

NO PERMIT REQ'D

* 24 **Tree #5**: ☐ Private Property ☐ Village right-of-way
Location: ☑ Rear ☐ Front ☐ Side-L ☐ Side-R
DBH*= 31.0 Species: Pine Tag#: _____ ☐ n/a: no tag.
Assessment: healthy ~~TD~~ APPROVED

appr'd by TF

NO PERMIT REQ'D

TD Removed

Tree #6: ☐ Private Property ☐ Village right-of-way
Location: ☐ Rear ☐ Front ☐ Side-L ☐ Side-R
DBH*= _____ Species: _____ Tag#: _____ ☐ n/a: no tag.
Assessment: _____

Tree #7: ☐ Private Property ☐ Village right-of-way
Location: ☐ Rear ☐ Front ☐ Side-L ☐ Side-R
DBH*= _____ Species: _____ Tag#: _____ ☐ n/a: no tag.
Assessment: _____

Tree #8: ☐ Private Property ☐ Village right-of-way
Location: ☐ Rear ☐ Front ☐ Side-L ☐ Side-R
DBH*= _____ Species: _____ Tag#: _____ ☐ n/a: no tag.
Assessment: _____

Tree #9: ☐ Private Property ☐ Village right-of-way
Location: ☐ Rear ☐ Front ☐ Side-L ☐ Side-R
DBH*= _____ Species: _____ Tag#: _____ ☐ n/a: no tag.
Assessment: _____

(For more trees, please check here and attach pages: # of extra trees___; # of extra pages___.)

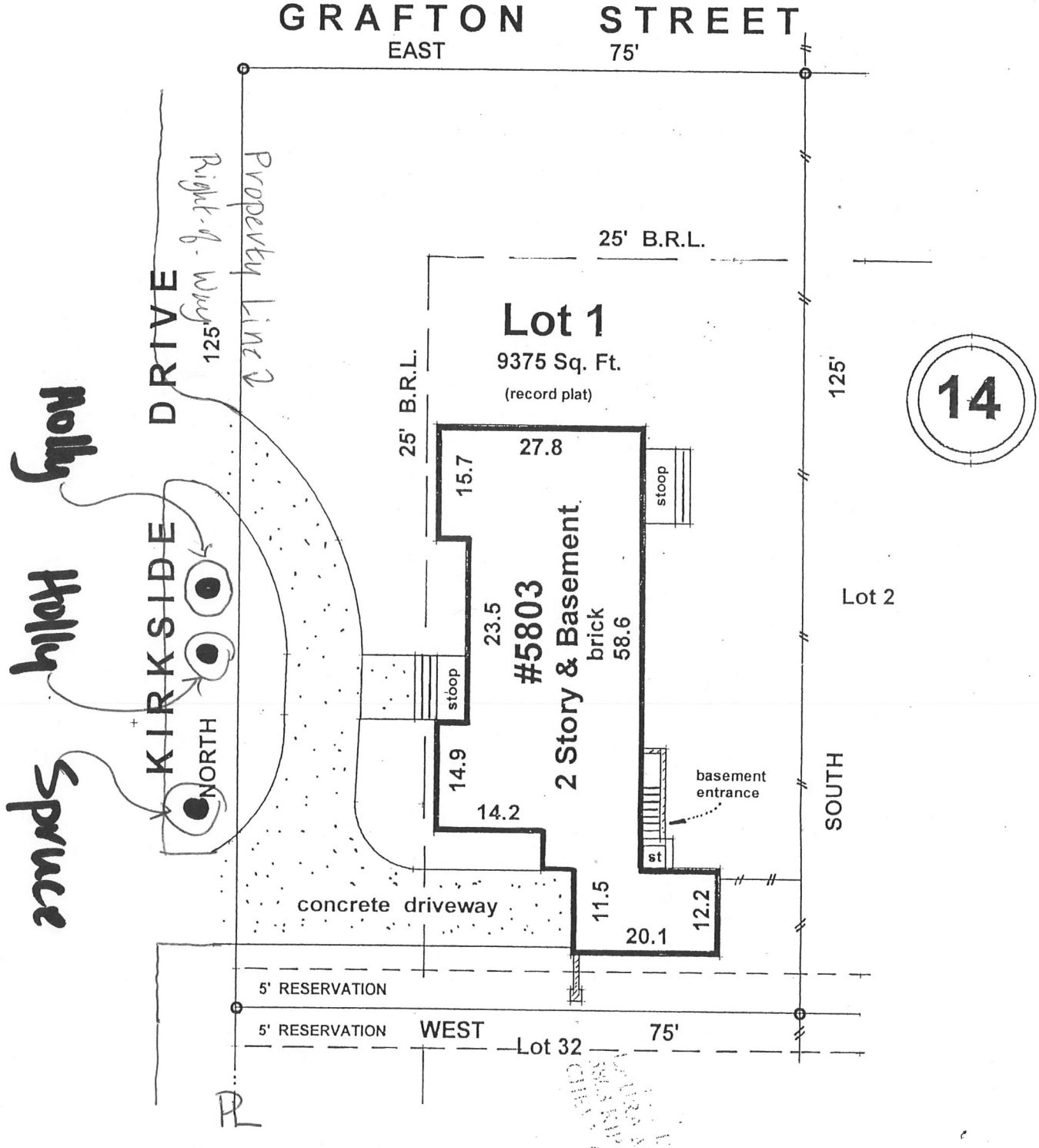
Arborist assessment: Does tree meet any of the conditions in Village Code 17-3 to qualify for removal?

Arborist Signature _____ **Date** _____

Landtech Associates Inc.

10260 Old Columbia Road Rivers Center-Suite J
Columbia, MD 21046
Phone: 410-290-8099 Fax: 410-290-8299

NOTE: NOT TO BE USED FOR ISSUANCE OF PERMITS



Location Survey of:	LOT: 1	BLOCK: 14
#5803 Kirkside Drive	PLAT BK: 4	PLAT#: 349
Section 1-A	DATE: 11-30-09	SCALE: 1" = 20'
Chevy Chase	CASE NUMBER: 091533-PM	
Montgomery Co., MD	FILE NUMBER:	

CHEVY CHASE VILLAGE
ESTABLISHED 1890

May 6, 2011

Ms. Laura M. Billings &
Mr. David A. O'Neil
5803 Kirkside Drive
Chevy Chase, MD 20815

Dear Ms. Billings & Mr. O'Neil:

Please note that your request to remove three trees located in the Kirkside Drive public right-of-way abutting your front (west) yard is scheduled before the Board of Managers on Monday, May 16, 2011 at 7:30 p.m.

Either you or a representative must be in attendance to present your case. At that time, additional documents may be introduced and testimony can be provided in support of your request.

For your convenience, enclosed please find copies of the materials distributed to the Board and to the Tree Committee.

Please contact the Village office in advance if you are unable to attend.

Sincerely,

Ellen Sands

Ellen Sands
Permitting & Code Enforcement Coordinator
Chevy Chase Village

Enclosures

CHEVY CHASE VILLAGE
5906 Connecticut Avenue
Chevy Chase, Maryland 20815
Phone (301) 654-7300
Fax (301) 907-9721
ccv@montgomerycountymd.gov
www.chevychasevillagemd.gov

SHANA R. DAVIS-COOK
Village Manager

DAVID R. PODOLSKY
Legal Counsel

BOARD OF MANAGERS

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PATRICIA S. BAPTISTE
Board Member

David O'Neil and Laura Billings
5803 Kirkside Drive
Chevy Chase, MD 20815

April 25, 2011

Board of Managers
Chevy Chase Village Hall
5906 Connecticut Avenue
Chevy Chase, MD 20815

To the Members of the Board:

We write this letter with respect to our residence at 5803 Kirkside Drive. Today we submitted an appeal seeking permission to remove certain trees on our property. That request is part of a broader landscaping plan that we would like to implement this Summer and Fall. This letter is intended to provide the Board with a full understanding of our landscaping plans and the context in which the tree removal request arises.

We moved into 5803 Kirkside Drive last February. We love the neighborhood and the Village, and we plan to raise our children here for many years to come. As several of our neighbors have commented, however, our lot is not in keeping with the rest of the neighborhood. This is so for a number of reasons.

First, the trees and bushes on the property were planted long ago – to our knowledge, the property hasn't been updated since the 1960's – and they have grown far larger than the purpose they were originally intended to serve. For example, evergreens that were originally meant to serve as privacy screens are now dozens of feet tall and have no branches at the level where they once provided privacy. Their locations do not make sense for trees of that size. Second, the proliferation of trees and bushes gives the property an unkempt, "jungle-like" appearance that does not complement the street or the Village. Third, because of the growth of once-small hollies and a spruce along the front of the property, the front of the house has a fortress-like feel that isolates it from the other houses on the street. Fourth, the rear of the house could be pleasant and usable as a patio, but currently it has no airflow and is extremely buggy because it is covered by large evergreens that, as explained above, were originally intended to be small privacy trees. Both the front and back of the house are in shadow and devoid of sunlight much of the day as a result.

The landscaping plan we hope to implement is designed to address each of these issues. These are the main features of that plan:

- Opening the front of the house to the street in order to integrate the property into the neighborhood and to make the house feel and look more welcoming;
- Removing bushes and trees that do not contribute to or complement the urban forest and replace them with plantings more in keeping with the neighborhood;

- Installing a tasteful wrought iron fence that would both frame the property and allow us to use the yard without fear that our three young children will wander into the street;
- Integrating the rear, side, and front of the property by improving the flow between those areas, and converting the rear of the house into a usable area;
- Increasing filtered sunlight and airflow throughout the property.

The removal of the trees identified in our appeal statement is essential to implementing this plan. We have spent a great deal of time evaluating various options, and we believe that the plan we have selected would benefit both the street and the Village.

The attached before-and-after pictures (generated by a software program that we have used in order to visualize the changes) illustrate the improvement to the front of the property. We would be happy to discuss the changes in greater detail.

Thank you for your time and consideration.

Sincerely,

David A. O'Neil

Laura M. Billings

5803 KIRKSIDE - LOOKING SOUTH ON KIRKSIDE

5803 KIRKSIDE – LOOKING STRAIGHT ON

5803 KIRKSIDE - LOOKING NORTH ON KIRKSIDE

Addendum to Statement of Appeal for Tree Removal

5803 Kirkside Drive

Briefly describe the proposed tree removal:

The context for the tree removal is described in a letter and accompanying visual depictions that we have submitted along with this appeal. In summary, we are undertaking a new landscaping plan for our property, which has not been updated since the 1960's. The plan would substantially increase the number and enhance the quality of trees on our lot. To implement the plan, we are requesting approval to remove three trees for which a tree removal permit was denied. Specifically, we are seeking permission to remove two hollies and one spruce abutting Kirkside Drive.

Describe the reasons why the tree removal would not adversely affect the public health, safety or welfare nor the reasonable use of adjoining properties?

We believe that removal of these trees would actually contribute to the public health, safety and welfare, and reasonable use of adjoining properties. The three trees we wish to remove intrude into the street and impede pedestrian access along the east side of Kirkside Drive between Grafton and Oliver Streets. The trees are not in keeping with, nor do they compliment, the types of trees that line other Village residents' properties. Moreover, the types, overgrown condition, and close placement of the three trees effectively form a wall, creating a fortress feel to the property and blocking the house from the street. We believe that this is contrary to the more welcoming and neighborly feel of the Village.

Describe the reasons why the tree removal would not substantially impair the intent and purpose of Chapter 17 of the Chevy Chase Village Code, entitled Urban Forest:

We believe that Chapter 17 is designed to protect and maintain the stately tree-lined streets that are the hallmark of Chevy Chase Village. Indeed, we were attracted to the neighborhood largely because of the urban forest. Removal of the three trees at issue is entirely consistent with the intent and purpose of Chapter 17. None of those trees is a deciduous hardwood tree. (We are not seeking permission to remove two large oaks or a magnolia along the front of the property line). None of the trees we wish to remove is a canopy or shade tree. Indeed, we think that removal of these trees will further the purpose of Chapter 17 because it is part of a plan to increase the total number and improve the quality of trees on the property.

Describe whether the tree exhibits any of the following criteria: (i) is diseased beyond restoration, insect infested beyond restoration, or injured beyond restoration; (ii) is dead or dying, or in danger of falling; (iii) constitutes a hazard to the safety of persons; (iv) constitutes a hazard to the safety of property; (v) constitutes a hazard and threatens injury to, or would have a negative effect on the health of other trees; (vi) is injuries to, or creates conditions injurious to the health of a person, certified to by a qualified medical practitioner

The trees do not exhibit any of the above criteria.

Describe the reasons for wanting to remove or destroy the trees:

There are two main reasons that we wish to remove the trees. First, removal of the trees will contribute to the beauty and neighborly atmosphere of our community because it will allow us to update the property and integrate it with the street and the Village. Second, removal of the trees is a necessary step in our larger landscaping plan, which will, among other things, open up the wall of shrubbery that shields the house from the street and bring the landscaping more in line with most houses in the neighborhood. We believe, and we think the visual depictions we have submitted demonstrate, that removal of these three trees will significantly improve a property that is currently unkempt and overgrown.

Describe the reasons, if any, cited by residents who are either in favor of or in opposition to the issuance of the requested tree removal permit:

We have consulted our immediate neighbors about the removal of these trees. All expressed their support for our plan. Indeed, shortly after moving in, several of our neighbors suggested on their own that we remove the three trees along the front and that the street would benefit from the removal. Our neighbors agree with the reasons we have stated for removing the trees, and they know that we have given a great deal of thought to the ways in which we hope to transform the property.

If the desired tree clearing is necessary to achieve proposed development, construction or land use otherwise permitted under the Village Code, describe the proposed project and/or land use and any reason(s) why there is no reasonable alternative to the tree removal:

As explained and illustrated in the visual depictions we have submitted, the removal of the trees is part of a landscaping plan that we have carefully developed and hope to implement. The trees that we wish to remove along the front of the house serve only to block the house from the street and would make it difficult to expand the yard that is enclosed by the circular driveway. The continued presence of the trees would defeat one of the primary goals of our plan: to update the property and bring it in line with the street and neighborhood.

Describe any proposed reforestation and whether the proposed reforestation includes any trees that meet the village standards for reforestation (i.e., deciduous hardwood trees that are at least 2 ½ inches in caliper at the time of installation and of a species that achieves a mature height of at least 45 feet:

Our landscaping plan includes the installation of a number of new trees along the front, side, and rear of the property. We are currently planning to plant approximately four new hollies to replace the two we are removing. In addition, we intend to install at least eight European Hornbeams (deciduous hardwood trees that grow to at least 45 feet) along the Grafton Street side of the yard. There will thus be a net gain in the number and quality of trees as a result of the

project. The new trees will be more consistent with the aesthetic of the street and more appropriate in terms of size and location.

Describe any hardship that would result if the requested tree removal is denied:

If permission to remove the trees is denied, we will likely be unable to implement our landscaping plan. We will be left with an unkempt and overgrown wall of trees that isolates our house from the surrounding properties and does not contribute to the urban forest. We think that the Village would also suffer as well, because this would be a missed opportunity to bring in line with the neighborhood a property that is overgrown and long past the need for a makeover.

Describe the reasons why preserving the trees is not desirable because of the age, size or outstanding qualities, including uniqueness, rarity or species specimen, of the trees:

There is nothing about these trees that would make their preservation desirable. The hollies were likely planted as small screening bushes that have grown far larger than intended. The same is true of the spruce, which is entirely out of character for the rest of the neighborhood and provides neither shade nor canopy cover. The trees are not of a unique species, nor do they have any other outstanding qualities.

Describe any other relevant matters that you believe would promote fairness and justice in deciding this appeal:

We would add only that we have not approached this request lightly. We understand the need and the reasons for protection of the Village's trees. We have given a considerable amount of thought to whether and how to proceed, discussed the project with several professionals, and come up with a plan that we think will not only increase our enjoyment of our property but also enhance the beauty of the Village. We hope that if any questions arise, you will not hesitate to ask.