

Our Urban Forest: Tree Removal, Tree Protection and Reforestation in Chevy Chase Village

Overview of the Urban Forest Code

The stately streets of Chevy Chase Village owe much of their unique beauty to the Village's well-established urban forest. In addition to aesthetic value, our trees protect air quality, abate noise, mitigate storm water runoff, and provide habitat for wildlife. To ensure that future generations will experience the same enjoyment and quality of life in the Village as residents today, in 1982 the Board of Managers began implementing a series of programs to protect all trees in the Village.

The first program initiated by the Board of Managers was a "tagging" project whereby most public trees in the Village were examined, catalogued, and tagged. Currently, the Village monitors about 2,000 public trees (not including park trees). The Village works in cooperation with the Maryland Department of Natural Resources (DNR) to maintain the public trees in the Village.

In 1988, the Board of Managers adopted Chapter 17 of the Village Code, entitled the "Urban Forest." Because our urban forest is comprised of parks, street trees, and private yards, this ordinance applies to all trees on public and private property. The most important aspect of this ordinance is that any tree with a trunk larger than 24 inches in circumference measured at 4½ feet above ground level may not be removed, destroyed or otherwise harmed without a permit from the Village Manager. Violating this ordinance carries a \$1,000 fine per tree, per day.

Tree Maintenance

A permit is not required for normal and reasonable trimming or other tree care designed to maintain health, shape, or balance of a tree. Residents may hire any tree contractor licensed by the Maryland Department of Natural Resources (DNR).

If a tree in need of maintenance has a Village tag on it (typically a metal tag located at about eye level), contact the Village office to request maintenance by the Village. If a tree is not tagged, then in most cases the property owner adjacent to the right-of-way is responsible for routine maintenance of the tree.

Tree Removal

You will need a Village permit to remove any tree on your property that has a trunk larger than 24 inches in circumference at four and one-half (4½) feet above the ground. (This circumference is equivalent to a diameter of 7.65 inches.) Chapter 17 of the Village Code prohibits the removal or destruction, including undertaking "any action that will substantially impair the health or growth of a tree without first obtaining a permit from the Village Manager" (Village Code Sec. 17-2). This prohibition applies to all trees with a trunk measuring at least 24 inches in circumference at four and

one-half (4½) feet above the ground. If a tree divides at less than 4½ feet above the ground, measure the trunk directly beneath the dividing point.

If you wish to remove a tree on your property, take the following steps. First, measure the circumference of the tree trunk to determine if it meets the size threshold in Village Code Chapter 17. If the tree meets the size threshold, then file (1) a Village **Tree Removal Permit application** and (2) a Village **Tree Inspection Request form**. The Village Arborist will inspect and assess each tree requested for removal and provide Village staff with a written report of findings. There is \$50 per tree fee (up to a \$350 maximum per application) to have the Village Arborist do this inspection for tree removal requests. The only exception made by the Village Code is if the tree is being removed due to Dutch elm disease or elm blight; in such cases, there is no fee for tree removal.

Please be aware that under the Village Code, the Village Manager may issue a permit for tree removal *if and only if at least one of the following conditions applies*:

- ✓ The tree is diseased beyond restoration, insect infested beyond restoration, or injured beyond restoration;
- ✓ The tree is dead or dying, or is in danger of falling;
- ✓ The tree constitutes a hazard to the safety of persons;
- ✓ The tree constitutes a hazard and threatens injury to property;
- ✓ The tree constitutes a hazard and threatens injury to, or would have a negative effect on the health of other trees;
- ✓ The tree is injurious to or creates a condition injurious to the health of a person, certified to by a qualified medical practitioner.

If any of these criteria are met through the Village Arborist's written report, then the Village Manager will be authorized to issue a Tree Removal Permit. Tree removal permits must be displayed to be visible from the street while the tree is removed. Trees may be removed by any tree contractor with a Maryland Department of Natural Resources (DNR) license. Contractors without a Maryland DNR license may not remove trees in the Village, even if the contractor is licensed in another state.

If the Village Arborist finds that none of the criteria for removal specified by the Village Urban Forest Code are met, then under the Code the Village Manager will be required to deny a tree removal request. Village staff will notify the applicant in writing of the Village Arborist's findings and the permit denial.

The timeframe for the above process is approximately four to five days, as follows:

- ✓ Arborist's inspection and written report – a minimum of two to three days from when the Tree Removal Permit application, Tree Inspection Request form, and fees are filed with the Village office.
- ✓ Village Manager's decision – depending on what time the report is returned by the Arborist, usually within one day.
- ✓ Village staff informs resident of Arborist's findings (if permit denied) or issues paper copy of permit (if permit approved) – usually within one day.
- ✓ Permit is valid for one year from date of issue.

If a Tree Removal Permit application is denied, a property owner may decide to accept the findings of the Village Arborist, or to appeal the decision. The appeal process is described below.

Appeals for Tree Removal

An applicant denied a tree removal permit by the Village Manager may appeal that decision to the Village's Board of Managers. Appeals must be in writing and made within ten (10) days of the permit denial (see Village Code Sec. 17-4). In considering your appeal, the Board may require reforestation so that there will be no net loss of trees to the Village's urban forest.

To file an appeal, please fill out the Village **Statement of Appeal for Tree Removal Permit** application (available in the Village office and on the Village website). Complete filing requirements are listed on the application form. There is a \$250 fee for appealing to the Board of Managers for a tree removal permit (see Village Code Sec. 6-2(b.1)(2)).

In some cases, a property owner may wish to remove a tree which everyone knows from the start is healthy. For example, a property owner may wish to replace a healthy tree with other plantings for aesthetic reasons, or a property owner may wish to build an addition where a healthy tree currently stands. In such cases, the property owner can expedite the appeal process by simultaneously filing:

- 1) **Tree Inspection Request** form (because a written report from the Village Arborist is required as part of the statement of appeal to the Board of Managers)
- 2) **Tree Removal Permit** application (which must be denied by the Manager under the Village Code) [\$50 per tree fee, up to \$350 max. per application.]; and
- 3) **Statement of Appeal for Tree Removal Permit** to the Board of Managers [\$250 fee].

In such a case, the property owner would pay fees totaling \$300 for one tree (or up to \$600 for multiple trees). The process would be somewhat expedited because the Village Manager's denial of the Tree Removal Permit application would be immediate and the appeal process would already be underway at the outset.

Reforestation

If the Board of Managers approves tree removal on appeal, the Board may require that the property owner implement a **reforestation plan** to replace the removed tree(s). The Board has developed reforestation guidelines, and the Village's Tree Committee has developed a standard list of trees that meet the qualifications for a reforestation tree. If you anticipate filing a statement of appeal for tree removal, please ask Village staff for the Board's latest reforestation guidelines and the Tree Committee's most recent list of tree species that meet these guidelines. Property owners required to prepare such a reforestation plan may hire any DNR-licensed tree expert to assist them in developing the plan in accordance with these guidelines. The Village's Code Enforcement Officer is responsible for later verifying that a Board-mandated reforestation plan has been implemented.

Tree Removal in the Historic District

If your property is within the historic district, you may need a Historic Area Work Permit (HAWP) from Montgomery County to remove a tree. Generally, getting a HAWP for tree removal only applies in cases where you have already filed an appeal with the Board of Managers for a Village Tree Removal Permit. The reason is that if the Village Arborist determines that the tree in question is healthy and sound, then the Village Manager cannot approve the Village Tree Removal Permit, and the

HAWP is irrelevant. If a property owner appeals the Village Manager's denial of a Village Tree Removal Permit, and the Board approves that permit on appeal, and the property is within the historic district, then the property owner may still need a HAWP from the county to proceed with removal. Contact the Historic Preservation Commission (HPC; see "Resources" in this User's Guide for contact information) to determine whether your property lies within the historic district and to learn what steps to take with the county to obtain a HAWP for tree removal. If you submit a Village Tree Removal Permit application form to the Village office, as part of the application review Village staff will verify whether your property is within the historic district.

Tree Protection During Construction Projects

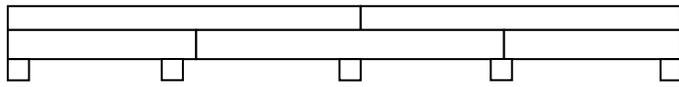
Village Code requires that before undertaking any activity that poses a potential risk to a tree that has a trunk larger than 24" in circumference measured 4½ feet above ground level, a property owner must have the Village Arborist prepare a Tree Protection Plan (TPP). Activities that pose a risk to trees include but are not limited to: demolition, new construction, renovation, materials staging and storage, utility work, construction of a driveway, patio or other impervious surface, and re-grading or excavating within the drip line of a tree. Violating this Village ordinance carries a \$1,000 fine per tree per day.

When you file a **Pre-Design Review Meeting (PDRM) application** with Village staff, they will ask the Village Arborist to review your proposed project and property to determine whether a TPP will be warranted. If the Village Arborist determines that a TPP will be warranted, then when you file a Village **Building Permit application**, you should *also* file a Village **Tree Inspection Request form**. Forms are available in the Village office and on the Village website. To have the Village Arborist prepare a TPP, a property owner must pay a \$250 fee to cover the process. That fee is typically assessed at the same time as the fees for the related building permit application.

The purpose of a TPP is to minimize the impact of construction activities on trees, including but not limited to: mechanical injury to roots, trunks and branches; compaction of soil that degrades functioning roots and inhibits the development of new ones; and changes in grade that can cut off or suffocate roots. A TPP may include the following components:

- ❑ Root pruning.
- ❑ Soil injection with root growth stimulant (RGS) and fungal (Mycorrhizal) treatment.
- ❑ Tree Protection Fencing. Barrier fencing must be welded wire fencing at least four (4) feet high. Stakes for fencing must six (6) feet high and spaced no more than eight (8) feet apart (or closer) to prevent fence from sagging. Distance of fence from tree will depend on tree diameter and project details, but should protect drip line as much as possible.
- ❑ Filter fabric on the ground.
- ❑ Wood chips over the filter fabric.

- Plywood walkway. To create the walkway, install two alternating (staggered) layers of plywood (3/4" x 4' x 8') screwed on top of support boards (either 6"x6" or 4"x4"). Plywood sheets are screwed together. Welded wire fencing is placed next to the plywood walkway on the side closest to the tree. (See illustration below.)



< two layers of plywood, alternating.

< support boards screwed to plywood above.

Any tree preservation measures prescribed by the Village Arborist for your work site must be installed before construction begins and maintained throughout the project; otherwise, the project may be subject to a Stop Work Order at any time.

During construction and subsequent landscaping, fencing must stay intact and allow no traffic or storage inside the barrier fence. Since construction projects typically place stress on trees, thereby making them more susceptible to drought, trees should be watered as seasonal requirements dictate. Once all construction and landscaping for your project is completed, remove wood chips, fence, and filter fabric within a week of close-out. A second root growth stimulant and/or fungal treatment may be prescribed by the Village Arborist.

What are the Responsibilities of the Village Arborist?

Chevy Chase Village has for many years contracted with a DNR-licensed arborist to serve as a consultant to the Village Manager and the Board of Managers to assist the Village in implementing and enforcing the Urban Forest Code. The Village Arborist has the following duties:

- ✓ *The Village Arborist continually monitors, and arranges for maintenance of, tagged trees in the public right-of-way.* The Village covers the costs of this routine tree monitoring and maintenance as part of the general cost of managing and maintaining the Village right-of-way. In most cases, the Village Arborist does not assess or arrange for the maintenance of trees in the public right-of-way that are not tagged.
- ✓ *Pursuant to tree removal requests, the Village Arborist assesses and provides a written report to the Village Manager for tree(s) on private property to determine if the tree(s) meet the criteria in the Urban Forest Code allowing the Village Manager to approve a removal request.* Tree Removal Permit applications have a filing fee of \$50 per tree (up to a maximum of \$350 per application). Please see the "Tree Removal" section above for a full description of the tree removal request process. If a property owner has not filed a Tree Removal Permit application (and the associated Tree Inspection Request form), then the Village Arborist is not authorized to assess trees on private property for removal. Property owners may hire a DNR-licensed arborist or tree contractor to assess and maintain their trees at any time.
- ✓ *Pursuant to Village Building Permit applications, the Village Arborist prepares Tree Preservation Plans (TPPs).* TPPs delineate the steps that may be required as a condition of issuing a building permit to adequately protect all trees on and adjacent to a project during construction. When a property owner submits a Village Building Permit application, Village staff will ask the Village Arborist to review the property and the construction plans to determine whether the proposed project warrants a TPP. If the Village Arborist determines that a TPP is warranted for the project, then the property owner must submit a Village **Tree Inspection Request** form to have the Village Arborist prepare a formal TPP for the project. (The Village Arborist will also be responsible for periodically inspecting work sites to ensure that TPPs are being consistently adhered to.) There is a \$250 fee to property owners to cover

the cost of Village Arborist's time to prepare and then monitor the TPP. That fee is typically assessed at the same time as the fees for the associated building permit application.

All other tree-related issues on private property should be handled by a DNR-licensed arborist or tree contractor hired by the property owner.

A Tree Has Fallen in My Yard: What Should I Do?

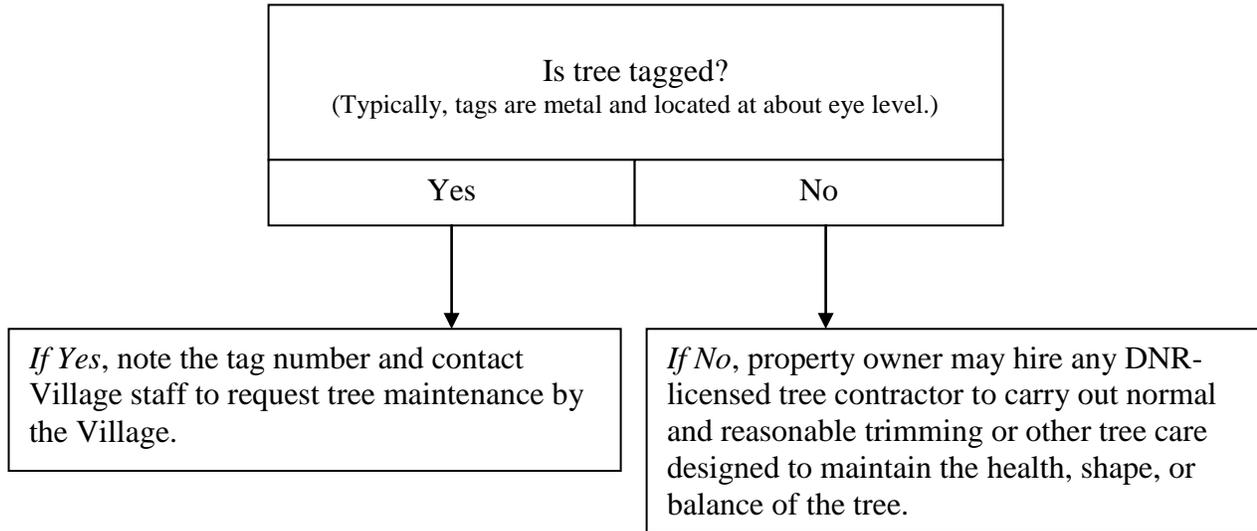
If a tree on your property has entirely fallen down, it is not necessary to get a tree removal permit from the Village to have the tree removed. Property owners may hire any MD DNR-licensed tree contractor to remove the downed tree. *However, property owners must first submit a picture of the downed tree to the Village office and request a Courtesy Permit from the Village office to post during tree removal so that Village staff and fellow Village residents will know the tree removal has been authorized.* There is no fee for a Courtesy permit from the Village office.

If a tree on your property has been damaged following a storm and you are unsure about whether it must be removed or can be saved, send a picture of the damaged tree to the Village office so that Village staff can assess whether a Courtesy Permit can be issued for removal or whether further assessment by a DNR-licensed arborist is in order. Property owners may of course hire any MD DNR-licensed arborist at any time to assess trees on their property and to do any reasonable trimming to maintain the health, shape, and balance of trees. If a DNR-licensed arborist or tree contractor determines that the tree must be removed, then the property owner must submit a Village Tree Inspection Request (for independent assessment by the Village Arborist) and a Village Tree Removal Permit application to the Village office, as described above.

Conclusion: Our Thanks

While the Urban Forest Code may sometimes feel onerous to a property owner faced with an injured or unwanted tree, over time our community benefits tremendously by preserving as many of our trees as possible. When tree removal is unavoidable, reforestation in the Village ensures that our urban forest will flourish for generations to come. The Village residents and staff sincerely appreciate the extra effort periodically required by all members of the community to preserve our urban forest.

Flow Chart for Tree Maintenance in Chevy Chase Village



Flow Chart for Removing Trees on Private Property in Chevy Chase Village

