

Notes from Discussion of a County Urban Tree Bill, July 7, 2011 meeting

Present: Bob Kaufman, Maryland National Capital Building Industry Association
Caren Madsen, representing Conservation Montgomery
Diane Cameron, Audubon Naturalist Society and Conservation Montgomery
Ginny Barnes, West Montgomery Citizens Association and Conservation Montgomery
Marcia Rucker, Glen Echo Heights Citizens Association
Larry Cafritz, Laurence Cafritz Builders
Andrea Murtha, Certified Arborist
Chuck Sullivan, Chuck Sullivan Homes and Renewing Montgomery
Carter Willson, Carter, Inc.

The discussion was the ninth meeting in a continuing dialogue with representatives of the public, building and environmental communities in Montgomery County. A meeting is set for July 11 at 4:30 for this group to take its proposal to the County Executive. The Executive's staff has asked us to deliver to them:

- 1) Our draft proposal
- 2) Separate narrative document that will list any points where we did not reach full consensus and an explanation, our perspectives, etc.

The group picked up where we left off on the discussion draft reviewed in our June 27th meeting. Caren set up a slide presentation illustrating how other jurisdictions handle tree requirements on an individual lot basis in their legislation. That will be included in the background documents post on the website set up for this project. The slides were presented to see examples of the number of trees required in other areas and to see how the numbers we have been discussed for the requirements tables compare.

It was pointed out that Andea Murtha works for builders in her position. She believes that builders should use Certified Arborists or Landscape Architects in designing sites. Bob Kaufman said, "Our goal is not to use a Certified Arborist or forester." Builders again expressed resistance to using qualified professionals to design tree plans for sites and advise on tree preservation, construction techniques to save trees, etc. Larry Cafritz said, "This is our world..." Kaufman said builders don't want to be in a position of having their sites policed by an arborist or forester in place at DPS to administer a tree law.

The group continued on to outline the following points of agreement and disagreement:

AREAS WHERE WE HAVE AGREEMENT:

- ▶ Builders required to save, relocate or plant a certain number of trees on lots.
- ▶ Conservation ethic will be the basis for a bill and using this sequence emphasizing 'preservation-first':
 - 1) preserve, 2) transplant, 3) if other options are exhausted, remove, then replant at required number.Builders want full discretion as to what they do. However, environmental and civic community members feel that a professional should advise and/or there has to be a stated and required approach in terms of the order listed above in order to have a conservation ethic in place.
- ▶ Trees need to be part of the stormwater management plan
- ▶ Number of trees based on lot size
- ▶ Keep bill approach simple
- ▶ Use combination of canopy/understory trees
- ▶ Implement law under sediment control permits
- ▶ Sediment/erosion training to enforce requirements, protection measures for trees
- ▶ Sediment control bonds used to enforce tree requirements
- ▶ Allow for tree planting first on lot, then ROW in front of house for curb appeal

- ▶ Size of new trees to plant: 1.5” to 2” caliper
- ▶ Agree that DPS should be agency to administer
- ▶ Builders who exceed requirements get expedited “green” reviews at DPS
- ▶ 90-day effective date for new law

AREAS WHERE WE HAVE DISAGREEMENT:

- ▶ Administration:
 - Builders do not want a Certified Arborist/Urban Forester/staff moved from DOT to DPS to provide professional advice to the sediment control reviewers and inspectors and administer law.
 - Builders do not want an Urban Forestry Program set up for the County.
- ▶ Required number of trees for lot sizes (See tables below.)
- ▶ Whether and how to protect critical root zones of trees on adjacent neighbors’ property
- ▶ Fee in lieu or tree fund set up for mitigation
- ▶ Use of Certified Arborists or professionals for tree or landscaping plans

Chart 1 -- The Builders’ Chart: The chart on the next page is based on requiring 1 tree for every 5,000 square feet of an individual lot in Montgomery County.

Size of Lot	Minimum number of Canopy Trees required (Existing or planted)	Minimum Number of Understory Trees required
0 to 5,000 sq. ft.	1 tree	
5000 to 10,000 sq. ft.	2 trees	
10,000 to 15,000 sq. ft.	3 trees	
15,000 to 20,000 sq. ft.	5 trees	1 tree
20,000 to 25,000 sq. ft.	5 trees	2 trees
25,000 to 30,000 sq. ft.	6 trees	3 trees
30,000 to 35,000 sq. ft.	7 trees	4 trees
35,000 to 40,000 sq. ft.	8 trees	5 trees

Chart 2: The table (to date, may warrant additional research) from members of the civic and environmental community in our workgroup meetings is below. This is presented as a placeholder until we have input from the County Executive and more information:

Size of Lot	Minimum number of Canopy Trees required (Existing or planted) * Numbers are still under discussion in this stakeholder community and fluid.	Minimum Number of Understory Trees required
0 to 5,000 sq. ft.	1 tree	1 tree
5000 to 10,000 sq. ft.	3 trees	2 trees
10,000 to 15,000 sq. ft.	4 trees	2 trees
15,000 to 20,000 sq. ft.	5 trees	2-3 trees
20,000 to 25,000 sq. ft.	8 trees	4 trees
25,000 to 30,000 sq. ft.	10 trees	5 trees
30,000 to 35,000 sq. ft.	12 trees	5 trees
35,000 to 40,000 sq. ft.	14 trees	5 trees

NEXT STEPS:

- 1- Next meeting is July 11 at the Executive's Office at 4:30 p.m.