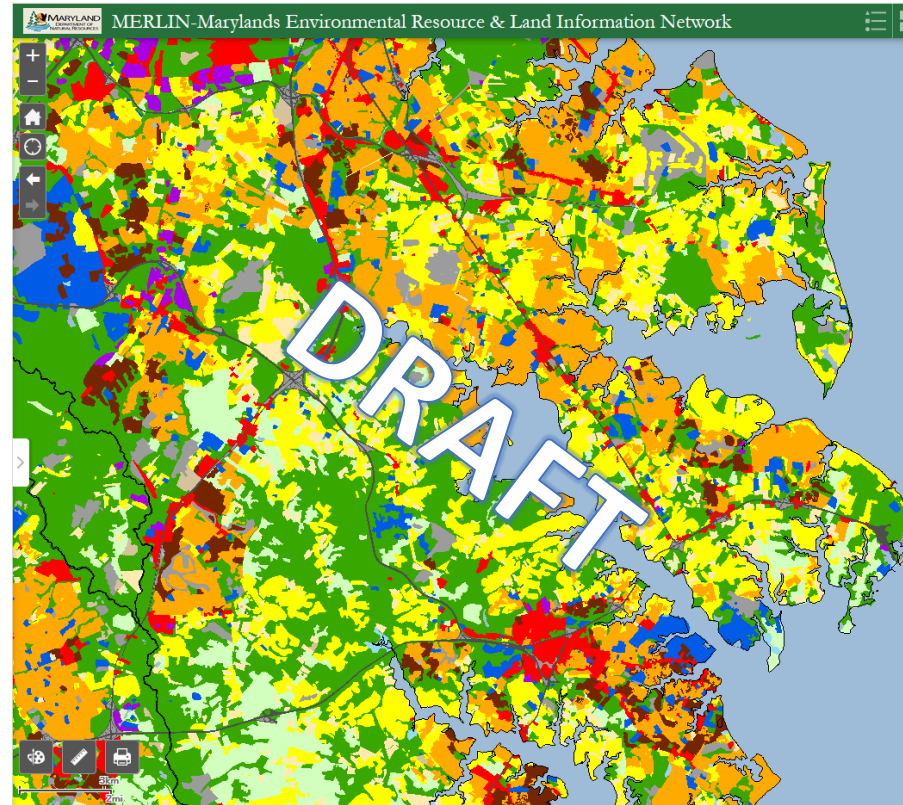


Residential Development in Anne Arundel County Tree Programs and Impacts



Citizens Environmental Commission

21 January 2021

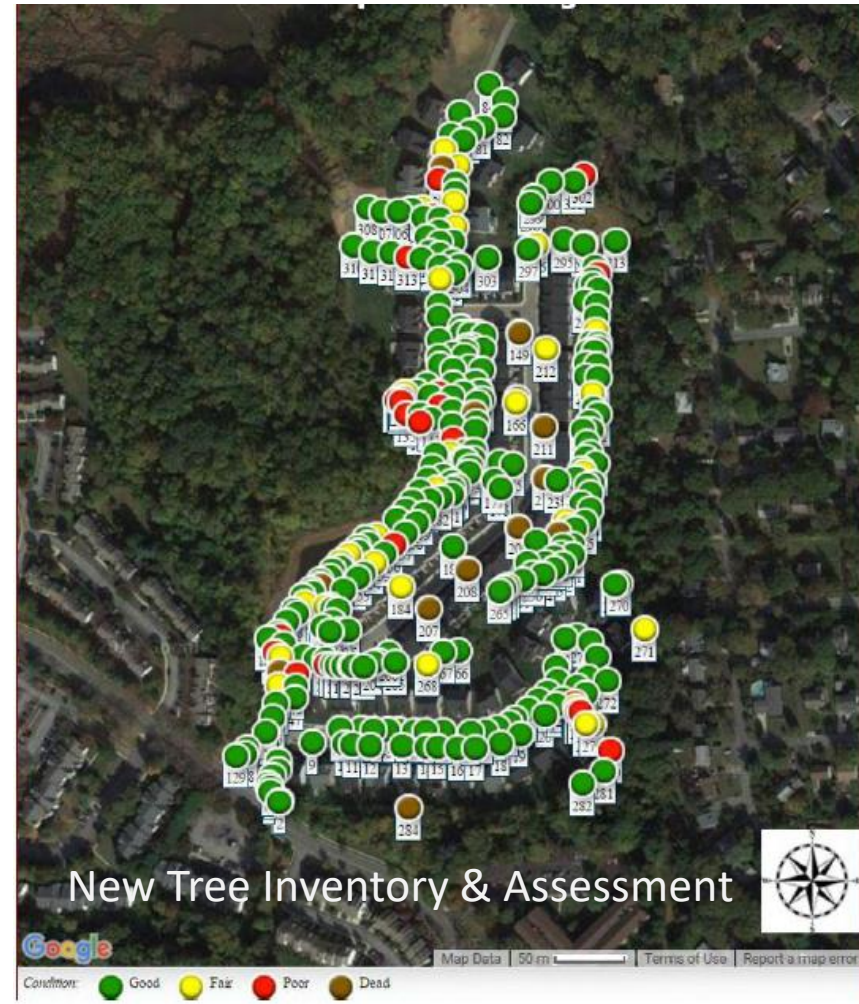
Purpose

- Provide information on tree planting programs presently required under residential development policies
- Discuss the issues faced by Homeowners Associations (HOAs) resulting from these programs
- Recommend options for addressing the issues

What happens after development removes pre-existing trees?



Before



After

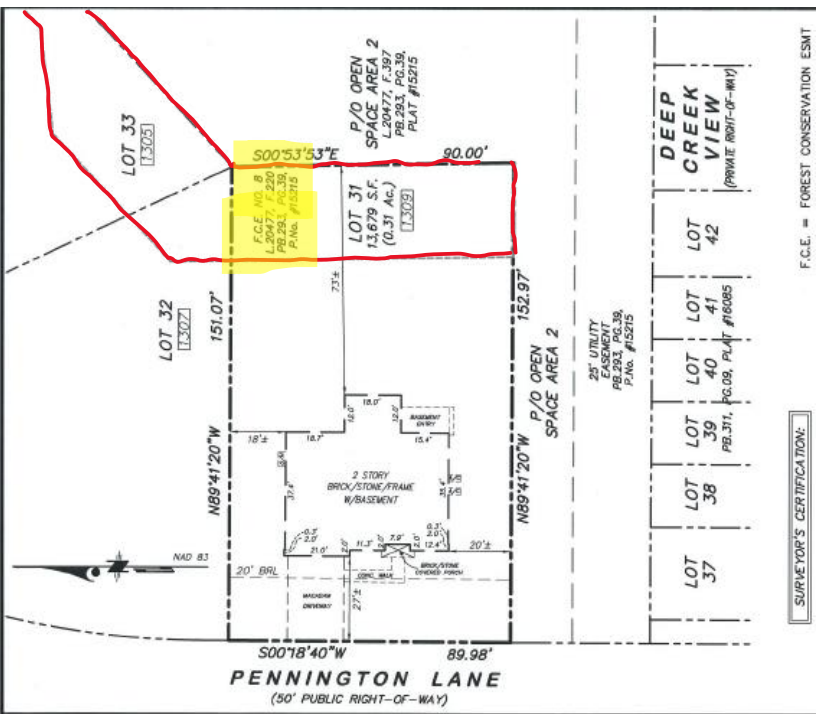
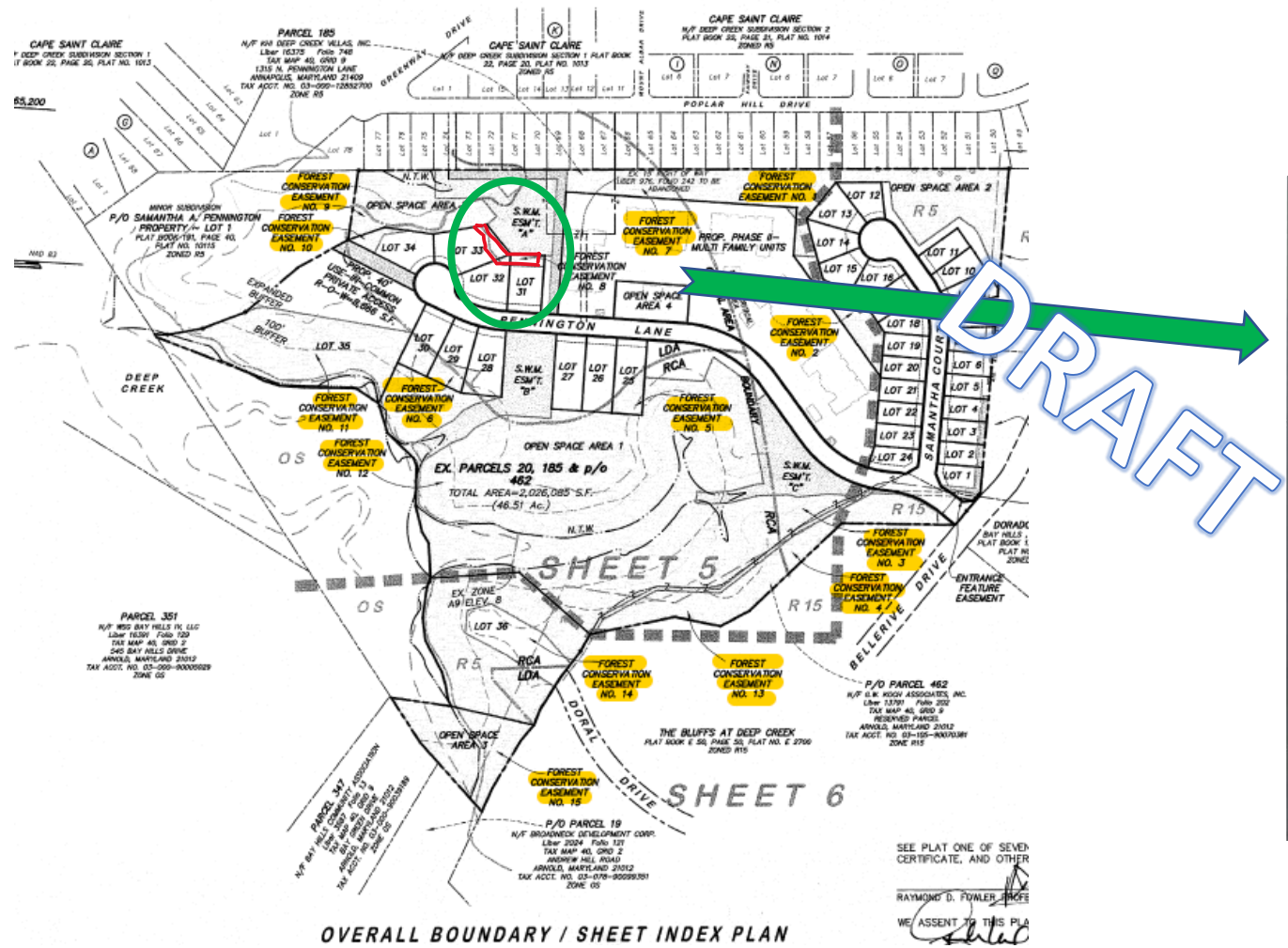
Tree Programs – Residential Development

- Forest Conservation Easements (FCEs)
- Stormwater Management Plan
- Roadside Trees
- Landscape Plan
- Residential Landscaping

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Administered by multiple County agencies

Forest Conservation Easements



FCEs are depicted on Community Plat

FCEs may also be depicted on a Property Location Survey

Forest Conservation Easements

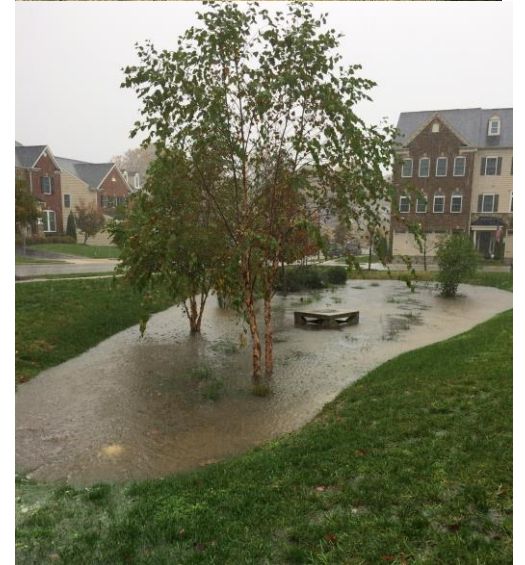
- Protected land, limited use
- OPRs: OPZ & I&P
- FCE Agreement
 - Declarations/Exhibit A
- Reforestation/Afforestation shown on:
 - Forest Conservation Plan
- Reforestation Agreement
 - Two-year Maintenance Agreement
 - Inspected by Forestry Division
- Vegetation Management Plan
 - Required for
 - Associated costs



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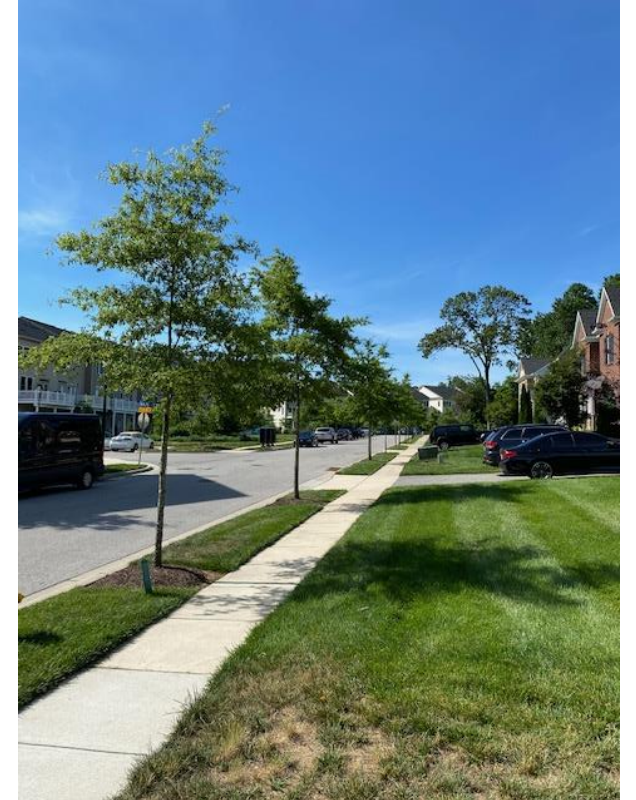
Stormwater Management Plan

- Incorporates plant species that contribute to wildlife habitat & water quality. Treat as landscape amenities.
- OPRs: OPZ, I&P (DPW for public BMPs)
- Maryland Stormwater Design Manual (2009)
- AAC Landscape Manual (2010); AAC Stormwater Management Practices and Procedures Manual (2017)
 - Considerable autonomy on plant choice and vegetative coverage
- Grading Permit
 - Stormwater Management Plan w/plant list and layout by BMP
- HOA Stormwater Inspection and Maintenance Agreement
 - Triennial inspections
 - Any changes to BMPs requires approval from I&P



Roadside Tree Program

- Trees planted along public road right of ways
- OPRs: OPZ, DPW, DNR
- Maryland Tree Law; COMAR Article §5-401
- AAC Design Manual (2001); Landscape Manual (2010)
- Public Works Agreement (Street Tree Plan)
 - \$400 per tree cost estimate
 - Two-year maintenance bond
- Before a roadside tree is trimmed or cared for, a Tree Care Permit must be obtained from DNR
- Any work must be done by a Maryland Licensed Tree Expert.



County only removes fallen branches or trees located in public easements – no replacement of dead trees

Landscape Plan

- Trees/shrubs required for screening, buffer, streetscape, Open Space & Recreational Area. May count for reforestation
- OPRs: OPZ and I&P
- Landscape Manual (2001)
- Landscape Plan part of the Grading Permit
 - Certified by Landscape Architect
- Planted on Common Area
 - Plant numbers according to linear feet/area width
 - “Plant Units”
 - One-year warranty
- Inspections, and Plan compliance, may be certified by the Landscape Architect

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Residential Landscaping

- Enhance aesthetic appearance, provide element of privacy, help conserve energy
- OPRs: OPZ and I&P
- Landscape Manual (2010)
- Landscape Plan
 - Applicable to Townhouse developments
- Planted on private Lots by builder
 - Two shade trees per townhouse/single family attached dwelling

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AAC Landscape Manual

6. Maintenance

- b. The owner and occupant of property are jointly responsible for:
 - i. Maintaining landscaping in a healthy condition;
 - ii. Maintaining plant material and non-plant materials in a sound and neat condition; and
 - iii. Keeping landscaped areas free of refuse and debris.

7. Enforcement

- a. The County shall enforce the provisions of this Manual. In addition to any other remedy allowed by law, the County may enforce and seek the correction of a violation of this Manual.

Impact of (Cluster) Development on Trees

- Cluster design can restrict/concentrate planting
 - Increased risk to mass pest infestation
 - Large differences in sunlight availability for growth
- Road curb cuts directing runoff directly into BMPs
 - Pollutants
 - Road salt
- Tree roots susceptible to injury during development
- Increased risk of windthrow from FCEs & buffers
- Narrower roads lead to more broken tree branches



Development leaves behind numerous survival challenges for both existing and new trees

Tree Associated Expenses - Direct

- Professional advice*
- Fertilizing & mulching*
- Dead plant replacement*
- Landscaping modifications*
- Invasive plant management
- Pruning (structural and routine)*
- Insect and disease management*
- Fallen tree* / hazardous tree removal
- Leaf removal (stormwater management)*

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* Tree-related work done on public (maintained) easements or right of ways

Tree Associated Expenses - Indirect

Root Heave – Public Sidewalks



- Improper planting
- Dense compaction of earth under sidewalk
- Inadequate space for tree growth



County takes action only if it caused the damage and tripping is an issue; otherwise, it's the abutting property owners problem

HOA Obligations - Declarations

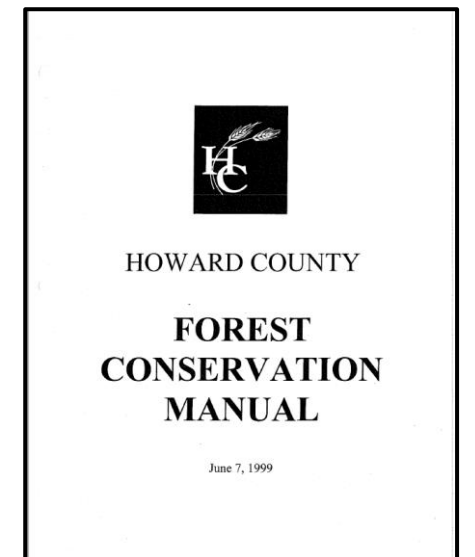
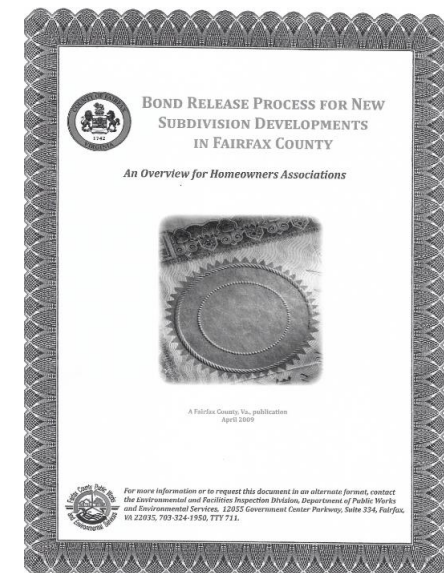
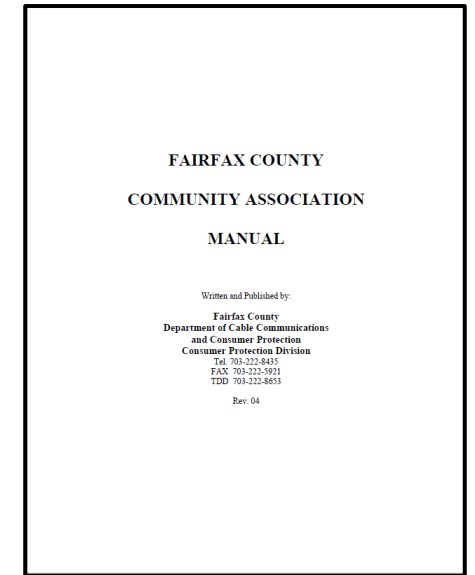
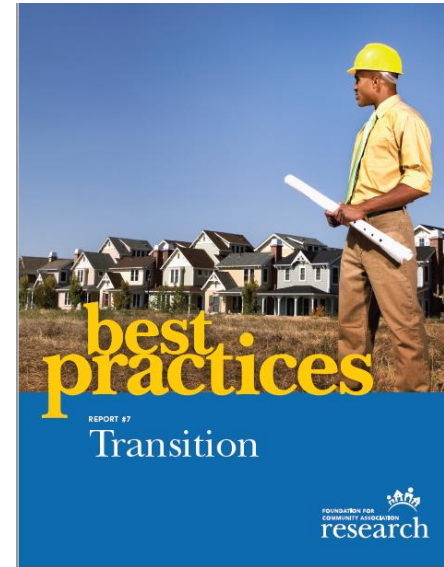
6.4 **MAINTENANCE OBLIGATIONS OF THE ASSOCIATION.** The Association shall improve, develop, supervise, manage, operate, examine, insure, inspect, care for, repair, replace, restore and maintain the Common Areas in safe condition, together with any items of personal property placed or installed thereon and any area dedicated to a public or governmental entity if such entity fails to properly maintain such area, as from time to time improved, all at its own cost and expense, and shall levy against each Member of the Association a proportionate share of the aggregate cost and expense required for the care, maintenance and improvement of the foregoing described areas, which proportionate share shall be determined based on the ratio which the number of Lots owned by the Member bears to the total number of Lots then laid out or established on the Property. The foregoing obligations of the Association shall also include performing, at its own expense, any maintenance of any entrance monuments for the Community, including any such signs located within a public right-of-way or on a Lot

HOAs faced with maintaining public infrastructure in addition to the substantial “privatization” of infrastructure that is already part of new development

HOA Concerns – Tree Programs

- No information provided during development
 - Plans, modifications & associated bonds
- Weak turnover process with HOA
 - Excluded from participation in inspections
 - No education on agreements
- Assistance provided by County
 - Info on website and in manuals
 - Constituent Services
- Lack of awareness of tree expenses
 - Disproportionate among HOAs
 - No info on assumptions made in the developer-prepared budget
 - New legislation only considers cost impact to County
- No single County authority for tree programs
 - No office specially tasked to work HOA issues
 - Absence of a concerned County Board /Commission

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Recommendations

- Identify the best approach to examine and address these concerns
 - Work Group with County, developer, HOA reps
 - Contracted Study
 - Manual Revisions
- Determine the “customer”
 - OPZ?
 - County's deputy chief administrative officer for land use?
- External oversight
 - Citizen Environmental Commission
 - Others

Questions or Comments

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