

# COUNCIL OF CHEVY CHASE VIEW

## Worksession on Tree Canopy

Date: July 31, 2007

Place: Christ Episcopal Church, Kensington, Maryland

Present: Michael Plantamura, Chairman; Coral Bell, Ray Bernor, Martie Mitchell,  
Peter Roman and Jana Coe, Town Administrator

David Podolsky, Legal Counsel to Chevy Chase View

Ronald Bolt, Assistant Legal Counsel to Chevy Chase View

Alan Beal, Building Permit Administrator for Chevy Chase View

Others Present: Rachel Ritvo and Steve Beckman, 4020 Everett Street

Called to Order: 7:35 p.m. by Michael Plantamura, Chairman

**Recent Chronology of Tree Canopy Discussions in CCV:** The Council reviewed the chronology of tree canopy discussions over the past fourteen months. The Council felt it imperative to talk informally in order to identify the next steps.

**Define the Issue/Problem:** All five Council members share the concern of loss of the CCV tree canopy. Coral Bell began by stating that she felt there were considerable grey areas, including the changes in the community, right-of-way issues, building issues and drainage issues. She asked the Council to consider an urban study and develop a master plan. She felt that adoption of a limited tree ordinance may be a piece meal move on the Council's part. She also thought a survey of the community may help the Council identify what residents like/don't like about the character of CCV as well as elements that should be preserved or changed.

David Podolsky explained that several municipalities have contracted with urban planning firms to address trees, drainage, size and bulk of homes. In one instance, the planning firm identified as many as eight different neighborhoods within the town. He also explained that there are many options that can be exercised, in addition to setbacks and tree preservation, e.g. height, lot coverage, design standards, floor-to-area ratio requirements and drainage. The cost of such a study is around \$50,000. Many of these issues can be addressed in a survey to residents.

Martie Mitchell redirected the focus specifically to trees. She discussed the possibility of a non-binding "straw" survey of the community. She has done research on satellite imagery and wants to develop a baseline of information. A recent Maryland Department of Natural Resources report was reviewed. Martie discussed two levels of involvement by communities: 1) those with a plan currently in place to manage their tree canopy cover, including a tree ordinance, and 2) communities which are in the process of developing goals and plans for maintaining and enhancing their tree canopy (CCV is included in this

category). The goal for developing urban canopy communities is a canopy cover of 40% - CCV currently has 35% coverage.

Martie questioned whether the Council had enough data – are we really in dire shape? She favored a proactive approach to this issue, one which would include several different ways of enhancing our canopy cover, and thought the discussion of the tree canopy loss should be part of a comprehensive plan. She felt she needed this information in order to see the total problem, and thought there were many ways to accomplish the stated goal of no net loss of tree canopy.

Ray Bernor stated his concerns over recent teardowns, with the recent removal of many trees at the corner of Glenrose Street/Cedar Lane. He felt that Martie and Coral had good ideas, however, the net loss of five (5) trees per redeveloped lot is worrisome to him. He felt in order to protect the tree canopy the Council needs to adopt some form of ordinance to abate or stop the problem of tree removal.

Martie Mitchell asked David Podolsky to confirm that 90% or more of the permit applications for tree removal were approved in jurisdictions that already had tree ordinances. David stated that the percentage did not include residents who withdrew their applications when the applicant was asked to reconsider the removal. He also explained that the applications that went to the hearing stage were strong cases because weak cases were screened out at the staff level so that 90% of the cases that went to a hearing were approved. The applicants are usually required to plant a replacement tree.

Peter Roman stated that upper Franklin had lost six (6) big trees and that there is a lot more sun that penetrates the area now. Martie suggested that asking residents to replant one-for-one would develop a formula for “no net loss”.

**Possible Solutions – Pros and Cons of Each:** Ray Bernor felt the Council should develop an ordinance to protect the trees in the CCV setbacks, where no construction is allowed anyway. He felt the clear cutting of lots is the new style that is driving the composition of the neighborhood.

Mike Plantamura felt that while the town has historically been responsible for trees in the town right of way, homeowners have in the past and will continue to have different preferences in terms of the number and types of trees they wish to have on their property and that residents should continue to have the flexibility to make those individual choices.

Coral Bell stated that the tree ordinance meeting in October of 2006 pointed to enough residents who cared about this issue to show up and voice their objection to a tree ordinance. She stated that homes on the east side of Connecticut Avenue have an overgrowth of tree canopy, with trees competing for sunlight. Many of the trees needed to be trimmed in order that the healthy trees can thrive.

Mike Plantamura offered that CCV should consider retaining a town tree arborist. He stated that there is more than one way to achieve a goal of promoting and maintaining the

tree canopy in CCV. Martie Mitchell reiterated that she would like to explore proactive ways of enhancing our canopy. She felt it may be time for the Council to again take a vote on the limited tree ordinance.

Peter Roman wanted to consider the feasibility of a survey to CCV residents. He presented different questions that he would like to ask, such as, do you favor a tree ordinance, do you favor a limited tree ordinance, should residents be given the option of clear cutting trees from their property, etc. Martie Mitchell felt the questions about the ordinance were fine, but would want more options presented. These options could include promoting tree planting, hiring an arborist, Arbor Day observations, etc.

Peter Roman stated that the Council needed to have a draft ordinance in the form of a working document in order for the Council to begin arguing its merits. Mike Plantamura stated that because at this time Martie Mitchell, Coral Bell and he were opposed to an ordinance, proceeding now with the drafting of such an ordinance was not in order.

Coral Bell felt that it was time to consider hiring a consulting arborist. This individual could help build community support, create a structure for right-of-way trees and aid the Council in learning more about our trees, which are valuable CCV assets. Martie Mitchell added that she felt different proactive approaches would have a more significant positive impact on the tree canopy than would forbidding residents to make personal decisions about trees on their properties.

Ray Bernor again discussed the need to protect the trees in CCV setbacks. He felt that builders do not want to see a tree ordinance adopted so they can continue to indiscriminately take down trees.

Peter Roman recommended that he be given authority to contact Phil Normandy about the possibility of Mr. Normandy serving as the CCV arborist. About five years ago, Mr. Normandy had worked as a consultant with the then Council-appointed Tree Committee to identify all CCV trees and develop a tree replacement plan. Rachel Ritvo, attending the Work Session with her husband, was asked by the Council to speak about that effort.

**Conclusion:** The Council reached a consensus and agreed that Peter Roman would contact arborist Phil Normandy, and ask him to attend the September 19<sup>th</sup> Council meeting. Peter Roman will request that Mr. Normandy provide a presentation to the Council at that meeting about services that Mr. Normandy can offer to CCV relating to creating an effective plan to manage CCV trees, developing mechanisms to measure the CCV tree canopy and making projections into the future.

**Adjournment:** At 9:00 p.m., Martie Mitchell moved that the meeting be adjourned to allow the Council to go into executive session to consult with Counsel to obtain legal advice on a legal matter. Coral Bell seconded the motion and it passed unanimously.

**Time and Place of Next Meeting:** The next regular monthly meeting will be held on Wednesday, September 19, 2007, at 7:30 p.m. This meeting will be at Christ Episcopal

Church, Kensington, Maryland. **PLEASE NOTE THAT THERE WILL BE NO REGULAR MEETING IN AUGUST.**

Respectfully submitted,  
Jana S. Coe, Town Administrator