

Pine Bay Homeowners Association Tree Policy and Guidelines

Pine Bay is a mature community with significant tree canopy coverage and was developed in the 1990's with the goal of preserving native trees. The community continues to recognize that its unique character is, in large part, attributed to Pine Bay having a significantly treed environment that provides a buffer from the noise and activity of nearby resort areas to Pine Bay, a sense of tranquility, spaciousness, privacy, and enhanced property values.

Trees and landscaping in Pine Bay are governed by portions of the Amended Declaration of Covenants, Conditions and Restrictions for Pine Bay, dated October 22, 2013, as amended, and on October 21, 2020, as amended, (such portions of the Amended Declaration, being the "CCRs"), and by supplemental Board approved policies and guidelines that amplify, clarify, and provide further guidance to Owners.

Recognizing that Pine Bay now has a more mature tree canopy, the climate change impacts of more frequent and severe storms, and that the community is nearing full build out, this document represents Pine Bay's current policy about maintenance and preservation of a healthy tree environment in Pine Bay and supersedes all prior policy statements regarding Pine Bay's treed community.

Additional guidance on Pine Bay's Tree Policy as well as associated reference & educational materials may be found on the ARC Section of the Pine Bay website.

Words capitalized in this Policy shall have the meaning set forth in either the Amended Declaration of Covenants, Conditions and Restrictions for Pine Bay approved and recorded on October 24, 2013, as amended (the "Amended Declaration") or in the Glossary of Defined Terms found on the ARC Section of the Pine Bay website.

Approved and Issued by the Pine Bay Homeowners Association Board of Directors 4/4/2022

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SECTION 1

of

Pine Bay Tree Policy

PINE BAY TREE REMOVAL POLICY

A. POLICY

No Owner may remove a tree on a Lot in Pine Bay without first obtaining either ARC Verification (1.a below) or ARC Approval (1.b below) as applicable. Except where a tree has fallen or has otherwise been destroyed by storm or other naturally occurring event, all proposed tree removals require the prior submission of a Tree Removal Request Application to ARC and final action by ARC before any tree may be removed.

1. Process for Requesting Removal: As further detailed in this Section C:

- a. **Excepted Trees:** An Excepted Tree may be removed only after receiving **ARC Verification**. An “Excepted Tree” is a tree that (i) having a diameter of less than six (6) inches or circumference less than nineteen (19) inches, in either case measured four (4) feet above the surrounding grade at the base of the tree, or (ii) whose base center is less than ten (10) feet from the Foundation of a Dwelling measured at grade, may be removed by an Owner following receipt of **ARC Verification**. Planting of a replacement tree is not required if **ARC Verification** was received.
- b. **Trees Other Than Excepted Trees:** No tree (i) having a diameter of six (6) inches or greater, or a circumference of nineteen (19) inches or greater, in either case measured four (4) feet above the surrounding grade at the base of the tree or (ii) whose base center is ten (10) feet or further from the Foundation of a Dwelling measured at grade, may be removed by an Owner without first having received **ARC Approval** for the proposed removal of the tree. Planting of a replacement tree is required, unless otherwise specifically waived by this Tree Removal Policy or waived by ARC in accordance with this Tree Removal Policy at the time it issues an **ARC Approval**.

2. Enforcement for Violation: A violation of the Tree Removal Policy can result in a fine as provided for in the Amended Declaration.

B. RATIONALE BEHIND TREE REMOVAL POLICY

While it is Pine Bay's policy to preserve a significant tree canopy, there will be circumstances where the removal of a tree(s) may be appropriate. In adopting this Tree Removal Policy, as part of a comprehensive Tree Policy, the Board is providing guidance to Owners on when and how to apply to ARC for permission to remove a tree(s), including information on how ARC considers and processes a Tree Removal Request Application.

C. PROCESS FOR REQUESTING PERMISSION FOR A TREE REMOVAL

1. Excepted Trees (Trees Less than 6" in Diameter/19" in Circumference or Less Than 10' from a Foundation) – ARC VERIFICATION REQUIRED

Trees Less than Six (6) Inches in Diameter/Nineteen (19) Inches in Circumference, or Whose Base Center is Less than 10 Feet from the Foundation of a Dwelling (each an "Excepted Tree") may not be removed without the Owner first complying with the following:

- a. **Applicable Tree/Process.** A tree located anywhere on a Lot that has a diameter of less than six (6) inches or less than nineteen (19) inches in circumference, in either case measured four (4) feet above the surrounding grade at the base of the tree, or (ii) whose base center is less than ten (10) feet from the Foundation of a Dwelling measured at grade, may be removed by an Owner following receipt of an **ARC Verification**. **ARC Verification** may be received after all the following conditions are satisfied:
 - i. The Owner has submitted a completed Tree Removal Request Application electronically to ARC at PineBayARC@gmail.com no less than thirty (30) days in advance of the proposed tree removal;
 - ii. The Owner has provided a diagram with the Tree Removal Request Application noting the location of the tree(s) proposed to be removed;
 - iii. The Owner has marked each tree proposed to be removed with colored banding to facilitate ARC identification and inspection; and,
 - iv. ARC confirms that the tree proposed to be removed is an Excepted Tree.

- b. **Notice to Owner/Notice by Owner.** Once an **ARC Verification** for the Excepted Trees has been received by the Owner, the Owner may proceed to remove the Excepted Tree(s). The Owner shall then be responsible to advise ARC through PineBayARC@gmail.com when the tree(s), approved for removal, have been removed.
- c. **Replacement Tree.** A replacement tree planting is not required for a tree that qualifies as an Excepted Tree under this Section 1.

2. Dead, Fallen, Diseased, Dying, Damaged, or Dangerous Trees – ARC APPROVAL REQUIRED

No tree that has died, fallen or appears to pose significant danger, or that is diseased or dying may be removed without first receiving ARC Approval, except as otherwise provided for below.

- a. **Applicable Tree/ Process.** A dead, fallen, diseased, dying, damaged or dangerous tree on a Lot may be removed by an Owner following receipt of an **ARC Approval**. **ARC Approval** may be received after all the following conditions are satisfied:
 - i. The Owner has submitted a completed Tree Removal Request Application electronically to ARC at PineBayARC@gmail.com no less than thirty (30) days in advance of the proposed tree removal. This Application must include the Owner's statement of conditions and factors that the Owner believes would justify removal of the proposed tree;
 - ii. The Owner has provided a diagram with the Tree Removal Request Application noting the location of the tree(s) proposed to be removed, and the Owner has marked each tree proposed to be removed with colored banding to facilitate ARC identification and inspection;
 - iii. A Certified Arborist Report is provided, where applicable; and,
 - iv. ARC has determined that issuance of an **ARC Approval** is appropriate.

Note: Although the Tree Removal Request Application may be submitted with or without a Certified Arborist Report, submitting a Certified Arborist Report stating the specific reason(s) based on the Factors for Consideration for the recommendation is suggested. If no Certified Arborist Report is initially submitted and if ARC, in evaluating the Tree Removal Request Application, sees no basis for approving removal, if in its review the cited conditions for removal are inconclusive or if there is a question as to whether remediation can address the identified problems, ARC will require a Certified Arborist Report. See Section 1.D for Certified Arborist Report Requirements.

b. **Please Note the Following Qualifications:**

- i. **For a Dead Tree(s).** A completed Tree Removal Request Application, together with a tree location diagram and marking the tree(s) for ARC inspection, is required before removal can be approved with the issuance of an **ARC Approval**. A Certified Arborist Report may be required if ARC during its inspection cannot determine if the tree is conclusively dead.
 - ii. **For a Fallen Tree(s).** Where a tree(s) has fallen, then **ARC Approval** shall be deemed given and the fallen tree(s) may be removed by the Owner. The Owner should provide notice to ARC, through the PineBayARC@gmail.com account, that a tree has fallen on the Owner's Lot. A Tree Removal Request Application is not required.
 - iii. **Severely Damaged Tree(s).** Where a tree(s) has been severely damaged by a storm or other naturally occurring event and poses an imminent danger (such as a tipped tree or one split open from a storm), provide notice to ARC through the PineBayARC@gmail.com account and contact an ARC member to verify its condition. If its condition has been verified by an ARC member, then **ARC Approval** shall be deemed given and the tree may be removed by the Owner. Neither a Tree Removal Request Application nor a Certified Arborist Report is required assuming the removal was approved by the ARC member.
 - iv. **Replacement Tree(s).** In the case of a tree that is Dead, Fallen, Diseased, Dying, Damaged or Dangerous, where the proposed removal has received **ARC Approval**, no replacement tree planting is required unless:
 - A. The tree was a replacement tree planted in connection with the prior removal of a healthy tree under an **ARC Approval**, or
 - B. The tree was designated for retention by ARC in connection with its previous **ARC Approval** of New Construction or Major Renovation, or for implementation of a Landscape Plan dies or requires removal because of being damaged during construction, or renovation or planting.
- c. **Notice to Owner/Notice by Owner.** Once an **ARC Approval** has been received by the Owner, the Owner may proceed with the removal of the tree(s) covered by this Section 2. The Owner shall then be responsible to advise ARC through PineBayARC@gmail.com when the tree(s), approved for removal, has been removed.

3. Healthy Trees - **ARC APPROVAL REQUIRED**

Healthy Trees Six (6) Inches or greater in diameter/Nineteen (19) Inches in Circumference and ten (10) Feet or further from the Foundation of a Dwelling.

- a. **Applicable Healthy Tree/Process.** A healthy tree located anywhere on a Lot that has a diameter six (6) inches or greater or nineteen (19) inches in circumference or greater, in either case measured four (4) feet above the surrounding grade at the base of the tree, and (ii) whose base center is ten (10) feet or further from the Foundation of a Dwelling measured at grade, may be removed by an Owner following receipt of **ARC Approval**. **ARC Approval** may be received after all the following conditions are satisfied:
 - i. The Owner has submitted a completed Tree Removal Request Application electronically to ARC at PineBayARC@gmail.com no less than thirty (30) days in advance of the proposed tree removal. This Application must include the Owner's statement of conditions and factors that the Owner believes would justify removal of the proposed tree;
 - ii. The Owner has provided a diagram with the Tree Removal Request Application noting the location of the tree(s) proposed to be removed;
 - iii. The Owner has marked each tree proposed to be removed with colored banding to facilitate ARC identification and inspection;
 - iv. A Certified Arborist Report is provided, where applicable;
 - v. ARC has determined that issuance of an **ARC Approval** is appropriate.
- b. **Replacement Tree Requirement.** A replacement tree planting is required for each healthy tree removed unless ARC finds such a replacement is not needed or appropriate based on conditions of the Lot and applying the relevant Factors for Consideration in the Appendix to Section 1 of the Pine Bay Tree Removal Policy (the "Appendix"). See Section E concerning Replacement Tree requirements.
- c. **Notice to Owner/Notice by Owner.** Once an **ARC Approval** has been received by the Owner, the Owner may proceed with the removal of the tree(s) covered by this Section 3. The Owner shall then be responsible to advise ARC through PineBayARC@gmail.com when the tree(s), approved for removal, have been removed.

4. Tree Removal Associated with New Construction, Major Renovation, or Implementation of a Landscape Plan - ARC VERIFICATION/ APPROVAL REQUIRED

Where the proposed tree removal would be in connection with New Construction or a Major Renovation, or with the proposed implementation of a Landscape Plan, submission of a Tree Removal Request Application will be required and the proposed removal will only be considered by ARC in conjunction with an application for review and approval of the New Construction or Major Renovation, or for the proposed implementation of a Landscape Plan. An **ARC Verification** or **ARC Approval** for the proposed removal of a tree(s) will only be given in conjunction with **ARC Approval** of the associated proposed New Construction or Major Renovation, or of the implementation of a proposed Landscape Plan.

D. CERTIFIED ARBORIST REPORT

Certified Arborist Report may be required in connection with ARC's processing of a Tree Removal Request Application.

- 1. Description of a Certified Arborist Report.** A Certified Arborist Report can only be written by a Certified Arborist who has been, and is currently, certified by the International Society of Arboriculture (ISA). A Certified Arborist Report must contain the name, signature, and certification number of the arborist issuing the report, and if tree removal is requested, the report must reference one or more Factors for Consideration for Removal of a Healthy Tree. Arborist reports document the condition of the tree, note issues, damage, or areas of concern, and provide information about the cause of issues including site conditions, pest or disease threats, or mechanical injury. Recommended actions should be noted, which may include site remediation, increasing vigor through fertilization or injections, pest or disease control, air spading to treat root issues, pruning to eliminate imbalance and unhealthy branches, and removal if remediation is not possible.
- 2. Availability of a Certified Arborist Report.** Many tree care companies have a Certified Arborist on staff and will provide a report at no charge for existing customers or as a part of a proposal for work.
- 3. If submitted without a Certified Arborist Report,** the Owner shall state on the Tree Removal Request Application the reasons for requesting a tree's removal, citing one or more of the factors in the Factors for Consideration (appearing in the **Appendix**). If ARC determines, based upon the submitted Tree Removal Request Application and the Factors for Consideration (appearing in the **Appendix**), that removal is warranted, ARC will issue an **ARC Approval** for the tree's removal. If, in evaluating the Tree Removal Request Application, ARC finds the

observable conditions are inconclusive or cannot find a justification for removal of the tree, then ARC will request that the Owner provide a Certified Arborist Report. as defined in Section 1.D.1. If after ARC's request, the Owner does not submit a Certified Arborist Report, an **ARC Approval** cannot be issued, and the Owner may not remove the tree.

4. **If submitted with a Certified Arborist Report**, as defined by Section 1.D.1, the Owner shall note that fact on the Tree Removal Request Application. If the Certified Arborist Report does not meet the definition in Section 1.D.1, an **ARC Approval** may not be issued and the tree may not be removed until an **ARC Approval** is given.

E. REPLACEMENT TREE REQUIREMENTS

An Owner may be required to plant a replacement tree in accordance with a Tree Replacement Plan approved by ARC under the following circumstances.

1. **Removal of a Healthy Tree.** A replacement tree planting is required for each healthy tree removed unless ARC finds such a replacement is not needed or appropriate based on conditions of the Lot and applying the relevant Factors for Consideration in the **Appendix**. If a replacement tree is being proposed or required, a tree replacement plan must be submitted by the Owner prior to issuance of an **ARC Approval** as per the submission requirements listed within this document. (Note: Submission of a proposed replacement tree plan is just one factor used by ARC in its review and does not in itself guarantee issuance of an **ARC Approval**.)
2. **Tree Unnecessarily Removed.** For trees approved and removed as part of an approved construction, Major Renovation, or other Improvement project, and the Improvement is not built (one year approval validity expires) or is later revised and the subject tree(s) would not have been needed to be removed, replacement planting for each tree removed is required.
3. **Trees Removed Without First Having Obtained ARC Approval.** Where a tree is removed without **ARC Approval** having first been given, then a replacement tree planting is required for each tree removed unless ARC determines in its sole discretion that no replacement tree planting is warranted.

F. TREE REPLACEMENT PLAN

Where the planting of replacement tree(s) is required by ARC or proposed by an Owner, a detailed plan for the proposed tree replacement must be submitted electronically to ARC at PineBayARC@gmail.com for ARC review and if approved, issuance of an **ARC Approval** prior to the planting of any replacement tree(s). The replacement tree plan shall include:

1. The type and species of replacement tree that will be planted. Native species of shade trees are preferred and are listed in this document and the ARC Section of the Pine Bay Website.
2. A replacement tree may not be a Shrub or any banned/invasive species tree.
3. Identification of the proposed location on the Lot where the replacement tree will be planted.
4. The replacement is to be two (2) inches or greater in diameter measured at 4 feet above grade to maximize survivability.
5. A time frame for planting (Spring & Fall are recommended for survivability).
6. The replacement plan will be evaluated for viability and impact on canopy cover, suitability of species, and location. ARC can provide recommendations and guidance on these issues.
7. Any tree replacement shall be planted within 1 year after the associated tree removal. Failure to do so will be treated as a tree removal without **ARC Approval**.
8. Upon planting, the Owner is to notify ARC that the planting has been completed.

G. FACTORS TAKEN INTO CONSIDERATION FOR TREE REMOVAL

Factors that ARC may consider alone or in conjunction with a Certified Arborist Report are the Factors for Consideration found in the **Appendix**. A Certified Arborist should also take these Factors into account in preparing and issuing a Certified Arborist Report. Factors associated with all trees in general, such that a tree drops leaves or debris, keeps grass from growing around its base, or can potentially be a trip hazard are not factors that ARC or a Certified Arborist shall consider in making a decision on a tree removal request. ARC will consider the number, type and severity of the Factors for Consideration cited by the Owner and in the Certified Arborist Report.

H. ARC SUBMISSIONS, ACTIONS & TIMEFRAMES

1. Submissions:

- a. Where submittal of a Tree Removal Request Application is required, an Owner should submit to ARC the Tree Removal Request Application no less than thirty (30) days in advance of any proposed removal.

- b. The completed Tree Removal Request Application, with its required attachments and additional submissions, must be submitted to PineBayARC@gmail.com, in order to be considered by ARC.

2. ARC Action:

- a. **Four (4) Calendar Days – Request Receipt Acknowledgement.** Within four (4) days after receipt of the Owner's Tree Removal Request Application, ARC will acknowledge receipt of the Request Application. If a Tree Removal Request Application is incomplete, the supporting actions have not been completed by an Owner (e.g., failure to submit a locational diagram, or properly band a tree) or further information is needed, ARC will promptly contact the Owner requesting the Owner to provide further information or fulfill the Request Application requirements.
- b. **21 Calendar Days – Review & Response.** If an Owner has provided all the necessary submissions of the Tree Removal Request Application, ARC will review the situation in a timely manner and make every effort to provide a response to the Owner within 21 days after receipt by ARC of the submission. Failure to complete and provide to ARC the necessary information including the marking of trees in the initial submission will delay the ARC's consideration and timely action on the request.
- c. **Delay in Processing by ARC.** Several ARC members are not full-time residents of Pine Bay and often ARC members are traveling out of the area; these circumstances may limit ARC member availability and thus delay processing of a Tree Removal Request Application. The failure of ARC to respond within the above timelines does not release the Owner from complying with the Tree Removal Policy; no action may be taken without ARC issuing an **ARC Verification** or **ARC Approval**, as applicable. ARC will do its best to consider and process a Tree Removal Request Application in a timely fashion.
- d. **ARC Verification/ARC Approval Conditions.** An **ARC Verification** or **ARC Approval**, as applicable, may include contingencies, cautions or additional requirements to protect the health of nearby trees, or address lot screening, drainage, or other issues.
- e. **Incomplete Tree Removal Request Application.** An incomplete Tree Removal Request Application or one missing any required submissions, such as a Certified Arborist Report, will not be processed until such time as the required information is received. An Owner will be notified of deficiencies and that ARC's processing of the Owner's Tree Removal Request Application is on hold until receipt of the required information.
- f. **ARC Site Visit.** Consideration by ARC of a Tree Removal Request Application may include site visits by ARC with or without the Owner's presence to inspect the tree for which the Tree Removal Request Application has been submitted to ARC. With the submission of a Tree Removal Request Application, the Owner is providing consent to

ARC members to visit the Lot on which the tree is located for inspection in connection with the processing of the Tree Removal Request Application.

- g. **Period of Validity of an ARC Verification or an ARC Approval.** An **ARC Verification** or **ARC Approval** shall be **valid** for a period of 1 year after its date of issuance to the Owner, based upon the date of delivery to the Owner by PineBayARC@gmail.com. An Owner may request a 1-year extension, if the request is submitted to ARC before expiration of the original **ARC Verification** or **ARC Approval**, as applicable. Re-submission of requests is required after expiration of either a previously issued **ARC Verification** or **ARC Approval**.
- h. **Trees in Pine Bay Common Areas.** ARC has no authority to provide a verification for or approval of the removal of a tree located in any of the Common Areas of Pine Bay, including but not limited to portions of swales beyond the property lines of a Lot and Community Easements. Where an Owner seeks to remove a tree in any Common Area, the Owner should reach out to the Pine Bay Board for consideration and approval.

SECTION 2

of

Pine Bay Tree Policy

RECOMMENDED, PROBLEMATIC and BANNED TREES

- 1. The following species flora are recommended for planting on Lots in Pine Bay. The current recommended listing of best trees, evergreens, ornamentals, and hedge/privacy screen species for Pine Bay are listed below. ARC will continue to update this list periodically. A more comprehensive list of suitable native trees as well as other banned invasive trees and landscaping species, both as determined by The State of Delaware, can be found in the ARC Section of the Pine Bay website.**
 - a. Best Hardwoods/Shade Trees: Black Gum, Willow Oak, Hickory
 - b. Best Evergreens: Dawn Redwood, Bald Cypress, Red Cedar
 - c. Best Ornamentals: American Holly, Korean Dogwood, Redbud
 - d. Best Hedge Privacy Screen: Green Giant Arborvitae, Foster Holly
- 2. The following species flora are considered as problematic for planting on Lots in Pine Bay.**
 - a. Tulip Poplar (soft wood)
 - b. Cottonwood (soft wood)
 - c. Loblolly Pine (brittle trunk as it gets older)
 - d. Silver Maple (aggressive surface roots)
 - e. River Birch (disruptive surface roots and brittle branches)
 - f. Native Dogwoods (susceptible to an incurable fungus causing tree death)
 - g. Lombardy Poplar (easily snaps in intense winds)
 - h. Leyland Cypress (overgrows its location and unsightly lower die-back)
 - i. Eastern Arborvitae (tips over easily because of shallow roots, not shade tolerant and susceptible to deer damage)
 - j. Japanese Black Pine (non-native species susceptible to fungi and bark beetle attack)
- 3. The following species flora are banned from planting on Lots in Pine Bay, being in part trees banned under the Delaware Code as Invasive Plants:**
 - a. Bradford Pear (brittle trunks unable to stand up to intense winds and susceptible to fire blight)
 - b. Norway Maple (invasive)
 - c. Ailanthus / Tree of Heaven (invasive)
 - d. Autumn Olive /Russian Olive (invasive)
 - e. Bamboo (invasive & destructive roots)

Note: Identification from time-to-time of a species of flora banned from further planting in Pine Bay or as problematic for planting in Pine Bay does not mean that any of these species planted on a Lot as of the date this Tree

Policy is published has to be or should be removed, or that the presence of any of these species found on a Lot means that proposed removal automatically means that ARC Approval has been given. The proposed removal of one of the members of either of these two groups of species still must be processed in accordance with the provisions of Section 1 of this Tree Policy and requires that ARC Approval must be obtained for its removal.

SECTION 3
of
Pine Bay Tree Policy

TREE PROTECTION PLAN FOR NEW CONSTRUCTION, MAJOR RENOVATION OR IMPLEMENTATION OF A LANDSCAPE PLAN

Where there is to be New Construction, a Major Renovation, or proposed implementation of a Landscape Plan on a Lot in Pine Bay, a Tree Protection Plan is required to be submitted electronically to ARC at PineBayARC@gmail.com. The Tree Protection Plan shall delineate tree and root protection areas and measures to be taken to ensure the safety and survivability of trees during construction activities, grading or drainage changes, trenching, heavy equipment use, or any temporary construction access drives and materials storage. The Tree Protection Plan shall provide for:

- A. The construction protection barrier adequate to assure the tree is not damaged or destroyed. At minimum, a four (4) feet high barrier, six (6) feet wide (at circumference measured from the tree trunk) with a sign marking a no-entry zone shall be erected around the tree.
- B. All protective barrier measures must remain intact during all phases of construction and until removal has been approved by ARC upon notice that the project is complete.
- C. Any tree damaged beyond repair shall be replaced with a tree of equal or greater canopy and/or native species value at maturity.

SECTION 4

of

Pine Bay Tree Policy

NEED FOR GENERAL TREE CARE & HUSBANDRY

Like all preventative property maintenance an Owner should be undertaking about any Structure on a Lot, periodic tree inspection and assessment is also recommended. The International Society of Arborists recommends a general tree inspection be conducted at least every 5 years. Such inspections can identify early signs of correctible problems before they significantly damage tree health, become costly to remediate, or result in tree death as well as dangerous tree structural issues that require attention.

- A. Inspection can look for signs of pest and disease infestations, identify any structural problems, and determine soil requirements.
- B. Based on the information found, recommendations can be made on any treatments or actions required for maintaining tree health.
- C. All trees will eventually decline and die. As trees go through their life cycle, older growth dieback occurs and physical defects may appear that reduce the tree's structural integrity. Defects in trees or tree parts can also be caused by naturally occurring events such as wind or ice storms or result from other effects such as construction damage, grade change and improper pruning. Many of these problems are correctable with professional care.
- D. As trees mature and grow larger, crowding may begin to occur amongst closely spaced trees necessitating thinning of the weaker trees to assure the health and vigor of those remaining.
- E. Strategic pruning is periodically recommended to remove older growth die-back, correct crown imbalances, and reduce branch weight/wind resistance and movements during storms.
- F. An Owner can also take simple steps to improve tree health such as removal of ivy and vines that smother and strangle tree growth.

APPENDIX
To
Section 1 – Pine Bay Tree Removal Policy

FACTORS FOR CONSIDERATION IMPACTING TREE REMOVALS
& REPLACEMENTS

Remediation or other corrective actions should always be considered first before removal, such as: increasing vigor through fertilization or injections, pest and disease control, aeration to treat root compaction, pruning and fill /drainage Improvements. If defects appear severe and irreversible, then removal may be appropriate after ARC review and Owner receipt of **ARC Approval**.

Pine Bay's goal is to preserve, protect and maintain its unique wooded seaside character by preserving its high tree canopy and native species which contributes to the economic, recreational, and environmental welfare of the community making it a desirable place for residents and visitors.

Listed below are the Factors for Consideration that will be used by ARC and any Certified Arborist in its evaluation of a Tree Removal Request Application. The list is only a guide, as every circumstance is different and new factors may be present that have not previously occurred or have been brought to the ARC's attention. Meeting one or more of these factors does not necessarily guarantee an **ARC Approval** of a tree removal request. ARC weighs the number and severities of the factors as well as the overall Lot impact of the tree removal(s) as a part of its review.

A. FACTORS IMPACTING REMOVAL MAY INCLUDE:

1. Is the tree causing excessive damage to Property, such as roots damaging Foundations and breaking up driveways, trees scraping against residences on windy days, or dropping excessive sap onto roofs causing roof damage?
2. Is the tree damaging other trees, such as rubbing against surrounding trees during high winds causing wounds that jeopardize the health of both trees?
3. Is the Dwelling currently dark and damp and in need of some relief with more sun light and ventilation for the health of the home and its residents, and is the tree in a location where removal can provide the desired Improvements?
4. Is the tree causing some type of substantial access issues or danger to the Owner(s) who might have health or mobility issues?
5. Is the tree(s) part of a cluster with many trunks and crowns in proximity that are competing for sunlight, moisture, and nutrients and show signs of overcrowding, and for which thinning is needed to allow the remaining trees to continue to flourish and to grow in an attractive manner?
6. Is this tree in a grove, that once removed, the remaining trees are likely to thrive and fill the gap reasonably quickly?

7. Is the tree an appealing specimen, or is it unbalanced, contorted, stunted, or has the tree suffered previous die-back that makes it look extremely unnatural?
8. Does the Lot contain a reasonable number of other mature or maturing trees?
9. Is the tree likely to out-grow its location on the Lot?
10. Is the tree in a low and perpetually wet location which threatens its health and decreased soil mechanical strength compromises long-term stability?
11. Is significant fill being added to the area to alleviate standing water and drainage problems that will likely suffocate the roots causing tree death or significant die-back?
12. Is the tree a native species or a foreign species that looks unnatural to the area?
13. Is the tree classified as an invasive species?
14. Is the tree a species with a shallow root ball (such as certain oaks) that makes it prone to tipping in a major storm, and does its location in relation to the Dwelling and predominant storm winds put the residence in the path of such tipping?
15. Will the relocation of a tree to another area provide a more attractive and balanced community appearance (such as replacing a tree from an area that has several mature trees to an area devoid of trees)?
16. Does the Lot have significant canopy coverage from its mature trees and would benefit from slightly less coverage for the viability of the remaining trees?
17. Does the tree have a 45-degree lean or greater?
18. Is there a lean of 20 degrees or greater with the lean toward and substantial growth over the Dwelling?
19. Is there a visible ground bulge in the soil opposite the lean or substantial soil cracks surrounding the trunk indicating instability?
20. Does the tree show observable defects or damage that are likely uncorrectable?
21. Does the tree show evidence of disease or infestation that cannot be treated?
22. Has the tree been showing progressive decline over the last several years (lost at least 50% of its original foliage or crown)?
23. Is the tree a large circumference, mature Loblolly Pine whose evaluation shows it is excessively brittle and weak?
24. Is there sufficient space for healthy root growth taking into consideration Foundations and paved surfaces?
25. Is the tree in the footprint or access path for planned improvements for which no practical alternate location for the planned Improvements exists?
26. Is the tree bordering wetlands where saltwater intrusion from rising sea levels is causing irreversible decline and reducing the capability of the soil to support the tree?
27. Is the tree a part of the original old growth? *
28. Was the tree planted as a replacement for previously removed healthy trees? *
29. Will the loss of the tree be extremely noticeable and significantly change the appearance of the local neighborhood? *
30. Will the loss of the tree and its root structure negatively impact surrounding trees? Note: Trees that have matured together have large networks of intertwined roots that give the group increased strength and ability to withstand storm winds and the group also helps distribute wind

loads. Removal of these companion trees increases the likelihood of the remaining tree(s) being toppled in a storm. *

31. Can the tree physically be removed without risking likely damage to surrounding trees? *
32. Is the tree currently serving some additional purpose, such as providing a privacy buffer between neighboring Properties, or shielding an eyesore from view? *
33. Is pruning or problem treatment a viable option? *
34. Is it a temporary loss of leaves caused by excessive heat, drought, or salt scorch? *
35. Is the Lot lacking in canopy coverage and would benefit from additional trees? *
36. The Owner's history of tree removal violations. *
37. International Society of Arboriculture (ISA) Tree Failure & Risk Assessment Factors that may additionally be cited in the Certified Arborist Report.
38. The request to remove a healthy tree will be evaluated for consistency with past decisions and policies of ARC and the Board, and the community's desire to preserve Pine Bay's wooded nature.

[*Factors that work against removal of a healthy tree.]

B. FACTORS IMPACTING NEED FOR TREE REPLACEMENT

1. Does the Lot contain at least 40% tree canopy or significant tree cover?
2. Is there a planting location which receives sufficient sun and has space for the tree and its roots to mature in a healthy manner?
3. Was the removed tree an old growth shade tree whose loss is/has a noticeable impact on the tree canopy and Lot appearance?
4. Does the Lot contain at least one shade tree in the front lawn?
5. Trees planted as compensation for previously removed healthy trees will themselves require replacements consistent with the original approval.
6. Trees approved and removed as part of a construction/Major Renovation/Improvement or other approved project, and for which the Improvement is not built (one year approval validity expires) or is later revised and the subject tree(s) would not have been needed to be removed, require replacement tree planting.
7. Trees that were designated for retention and were removed without **ARC Approval** or die or require removal because of being damaged during construction or renovation require replacement.

C. FACTORS IMPACTING REMOVAL OF DISEASED, DYING, DAMAGED, OR DANGEROUS TREES

1. Splits or cracks in the trunk or major branches
2. Large trunk wounds that show no signs or capabilities of healing
3. Hollows or cavities in the trunk or base
4. Insect infestation, such as termites or wood borers
5. Rotting at the base of the tree
6. Bifurcated or forked trunks (potential for trunk splitting)
7. Included bark in trunks or major branches (likely failure points)
8. Fungus or mushroom growth on tree or its roots indicating unseen decay
9. Significant die back, particularly in crown and new growth (Dead lower & older branches are a natural process of a tree's growth cycle; also die back from drought and salt scorch from coastal storms is temporary and not usually cause for concern.) A rule of thumb is that if a tree has lost more than 50% of its crown, long term health is in jeopardy.
10. Girdling roots, Galls on trunk or throughout main branches which can weaken wood creating failure points
11. Lightning damage on trunk
12. Bulges in the root ball or cracks in the ground indicating a tree is starting to shift and become unstable
13. Low lying wet areas with soggy or shallow soils that compromise a soil's support capacity
14. Ivy or vines overrunning a tree's foliage causing decline
15. Oozing sap or liquid from the trunk or major branches
16. Loose or peeling bark
17. Trunk swelling
18. Extensive rust, wilt, or other diseases