

Proposed Tree Preservation Code: Talking Points

In order to promote recharge to our sole-source aquifer in developed neighborhoods, a Town subcommittee was formed to create a Tree Preservation Code to protect trees on private property with a goal of balancing property rights and tree protection. The committee members are Dan Clark, Sean Davy, and Tim Purtell.

The Value of Trees: Trees promote the absorption of precipitation into our aquifer, and they help control erosion and flooding. As an integral component of our neighborhoods, trees also provide environmental and bucolic values, and essential wildlife habitat.

The Purpose of a Code: In recent years there have been instances of tree clearing for construction projects that affect the environmental and bucolic benefits that trees provide to neighborhoods. The purpose of the proposed legislation is to prevent the indiscriminate destruction or removal of trees within the boundaries of the Town in a way that balances private property rights and tree preservation. It is intended to cover new construction, renovations, and the clearing of undeveloped lots unrelated to construction or renovation that indiscriminately removes trees.

How it Would be Managed: While construction projects involve infrastructure challenges that often lead to the loss of trees, the subcommittee proposes a permitting process that limits, within reason, the unnecessary removal of healthy trees. The subcommittee proposes a permit application with a tree removal plan in advance of any construction, renovation, or lot clearing. A Tree Committee would be created to prevent over-taxing the Building Department. Where a tree removal plan necessitates an inordinate number of trees, the homeowner may be able to replant a requisite number of trees to comply with any regulatory limitations.

Exemptions from a Permit Requirement

Dead or dying tree: A tree that is dead or has been damaged beyond repair or is in an advanced state of decline; **Hazardous tree:** Any tree that has a condition, disease or defect that poses an imminent danger to life or property, including storm damage and emergency situations; **Homeowner's Insurance:** Some insurers now require the removal of trees as a requirement for policy renewal; **Routine maintenance:** General pruning as a part of a normal maintenance plan that does not impair the long-term health of a tree; **I/A septic system installations.**

We Don't Have to Start from Scratch: On Long Island, tree preservation regulation has been enacted in Oyster Bay, Huntington, Brookhaven, East Hampton, Southampton, North Haven, and Sag Harbor. Southold is currently working on a code.

Various Approaches for Tree Preservation

Tree Clearing Based Upon Lot Size: East Hampton, Southampton, and North Haven have addressed tree preservation with formulas that calculate the amount of clearing permitted in relation to lot size. For instance, Southampton's code deems a lot that measures 1 to 15,000 square feet would be eligible to clear 75%. A lot that's 200,001 square feet or greater could clear 15%. Such percentages are measured over the entirety of a property.

Tree Diameter: Diameter at Breast Height (DBH) is a measurement used by some municipalities in their codes. Sag Harbor requires a permit to remove a tree with a DBH of 12 inches or greater. North Haven's code requires a permit for a tree with a DBH of 19 inches or greater.

Aquifer Protection Zones: Southampton created an Aquifer Protection Overlay District to regulate land use in areas that were found to be water catchment regions. The town uses the lot size formula within their overlay districts.

An Information Resource: A Town Tree Committee could help residents navigate how to preserve trees during construction projects. The committee would not dictate what species of tree can or can't be planted.

How to Reach the Subcommittee: Send comments or questions to Tim Purtell at tpurtell@shelterislandtown.gov