

## **POLICY NO. 9**

OLD TITLE: TREE PRUNING, REMOVAL AND VANDALISM (Policy 9) and ORNAMENTAL TREE and SHRUB REMOVAL (POLICY 10)

### **NEW TITLE: TREE PRUNING REQUESTS FROM UNIT OWNERS**

**PURPOSE:** To maintain the consistency of the forested character of Lake Barrington Shores and to provide for consistent maintenance of trees located in Common Areas, while providing a process for Unit Owners to request tree pruning for purposes of view obstruction or nuisance condition.

#### **DEFINITIONS:**

**dbh:** "Diameter at breast height" for single-stem trees shall be the diameter of the trunk size as measured at fifty-four inches (54") above the established ground level, or for replacement trees, fifty-four inches (54") above the top of the root ball. Diameter at breast height (dbh) for multi-stem or "clump form" trees shall be calculated as the sum of the dbh of each of the stems.

**COMMON AREA TREE:** Any tree located in a Common Area with a total dbh greater than or equal to four inches (4").

**CONIFER:** A tree, often but not always evergreen, that bears cones and that has needle-leaved or scale-leaved leaves.

**HERITAGE TREE:** Any tree located in a Common Area with a trunk size of twenty inches (20") or larger dbh.

**NATIVE TREE:** Any tree of any size, including saplings (those smaller than four inches (4") dbh), located in a Natural Area, of those genera (and their cultivars and varieties) that were present in Northern Illinois prior to the arrival of European settlers. A list of Native Trees is attached as Exhibit A for reference.

**ORNAMENTAL TREE:** A tree, typically considered an understory tree, generally reaching a mature height of 20'-25', and which generally displays showy flowers early in the growing season.

**PROTECTED TREES:** Shall be defined as and include Common Area Trees, Heritage Trees, Native Trees and Ornamental Trees which are all specially protected by the provisions of this policy.

**SHADE TREE:** A Protected Tree that is grown primarily to provide shade.

**VANDALISM/DAMAGE TO PROPERTY:** Any action, taken by a Unit Owner, Resident, guest, or contractor hired by a Unit Owner, Resident or Condominium Association which causes harm to a Protected Tree. This includes, but is not limited to, tree pruning, tree removal, girdling, bark stripping, bark carving, drilling, pouring of chemicals into or around the root zone of a tree, or spraying of any substance other than water on or around the tree.

#### **I. GENERAL PRINCIPLES REGARDING TREE PROTECTION AT LAKE BARRINGTON SHORES:**

- A. Trees are one of the most valuable assets of the community. The LBCHA Master Board and the Landscape Commission will make every effort to preserve and safeguard Protected Trees. Heritage Trees and Native Trees receive special consideration for protection.
- B. Only the LBCHA authorized tree maintenance contractor acting upon the direction of the Landscape Manager may prune a tree in a Common Area.
- C. Standard maintenance pruning of Protected Trees in Common Areas is performed by the LBCHA authorized tree maintenance contractor acting upon the direction of the Landscape Manager in accordance with established pruning cycles. Information on the cycles can be obtained by request from the Landscape Manager. Currently, Shade Trees are pruned once every seven years, and Ornamental Trees are pruned every three years. Standard maintenance pruning is the responsibility of LBCHA and costs for pruning are included in the LBCHA Landscape budget annually. Standard maintenance pruning is performed to maintain

and improve the health of the tree, to protect structures from potential damage from trees, and to minimize the safety risks to human life. Improving Unit Owner views and/or minimizing tree nuisance conditions are not objectives of standard maintenance pruning.

- D. With funding provided in the LBCHA landscape budget, the Landscape Manager evaluates and prunes all trees, including Protected Trees, located in Common Areas meeting one or more of the following criteria:
1. trees that are structurally damaging buildings, building safety or fluid infrastructure (underground water or sewer piping)
  2. trees that are contributing to soil instability or erosion
  3. trees that are interfering with the safety of individuals
  4. trees which are interfering with pedestrian access.

## II. TREE PRUNING AT UNIT OWNER REQUEST

- A. Protected Trees located in Common Areas which do not meet any of the criteria listed in Section I.D. will be considered for pruning outside of the normal maintenance pruning cycle to improve a Unit Owner's view or reduce a nuisance condition resulting from excess tree litter (e.g., excess sap, fruit, leaves or needles) at a Unit Owner's request only if the Unit Owner submits a Landscape Variance Application for pruning.
- B. The Landscape Manager, in consultation with the LBCHA approved arborist, will evaluate the Unit Owner's request to determine if the requested pruning will adversely affect the beauty, health or longevity of the tree, and to determine the cost of the requested pruning.
- C. The Landscape Manager, in consultation with the LBCHA approved arborist, will evaluate the Unit Owner's request using criteria, including but not limited to:
1. current total dbh of the tree requested for pruning
  2. species identification of the tree and approximate age of the tree
  3. if the tree is a Common Area Tree, Native Tree, or Heritage Tree
  4. current health and structural stability of the tree
  5. date of Unit Owner's purchase of the unit
  6. building impacts likely to occur following pruning of the tree, including foundation stability, weather protection for siding or roofs, and bio-cooling
  7. likely impacts to surrounding plant material including other trees, shrubs, and perennials following pruning of the tree
  8. drainage or soil impacts following pruning of the tree
  9. impact on the views of other Unit Owners
  10. determination of the cause of tree nuisance.
- D. If the Landscape Manager and the Condominium Association Landscape Representative support approval of the Landscape Variance Application for tree pruning, they will so note their support and forward the application to the Condominium Association Board of Directors for approval or denial.
- E. If the Landscape Manager does not support the approval of the Landscape Variance Application for pruning, the concerns will be noted by the Landscape Manager, and the denied application will be forwarded to the Condominium Association Board of Directors for its approval or denial.
- F. If the Condominium Association Board of Directors denies the application, the application is officially denied.
- G. If the Condominium Association Board of Directors wishes to approve the application when the Landscape Manager has denied the application, the Condominium Association or the Unit Owner must request a hearing from the LBCHA Master Board, or such body as the Master Board appoints, to present the case for approval. The decision of the LBCHA Master Board or its designated body shall be final.

H. If the Landscape Variance Application for tree pruning is approved either by the appropriate Condominium Association Board or by the LBCHA Master Board or its designate after a hearing, the Unit Owner must agree to pay the cost of pruning and cleanup for the tree to be pruned.