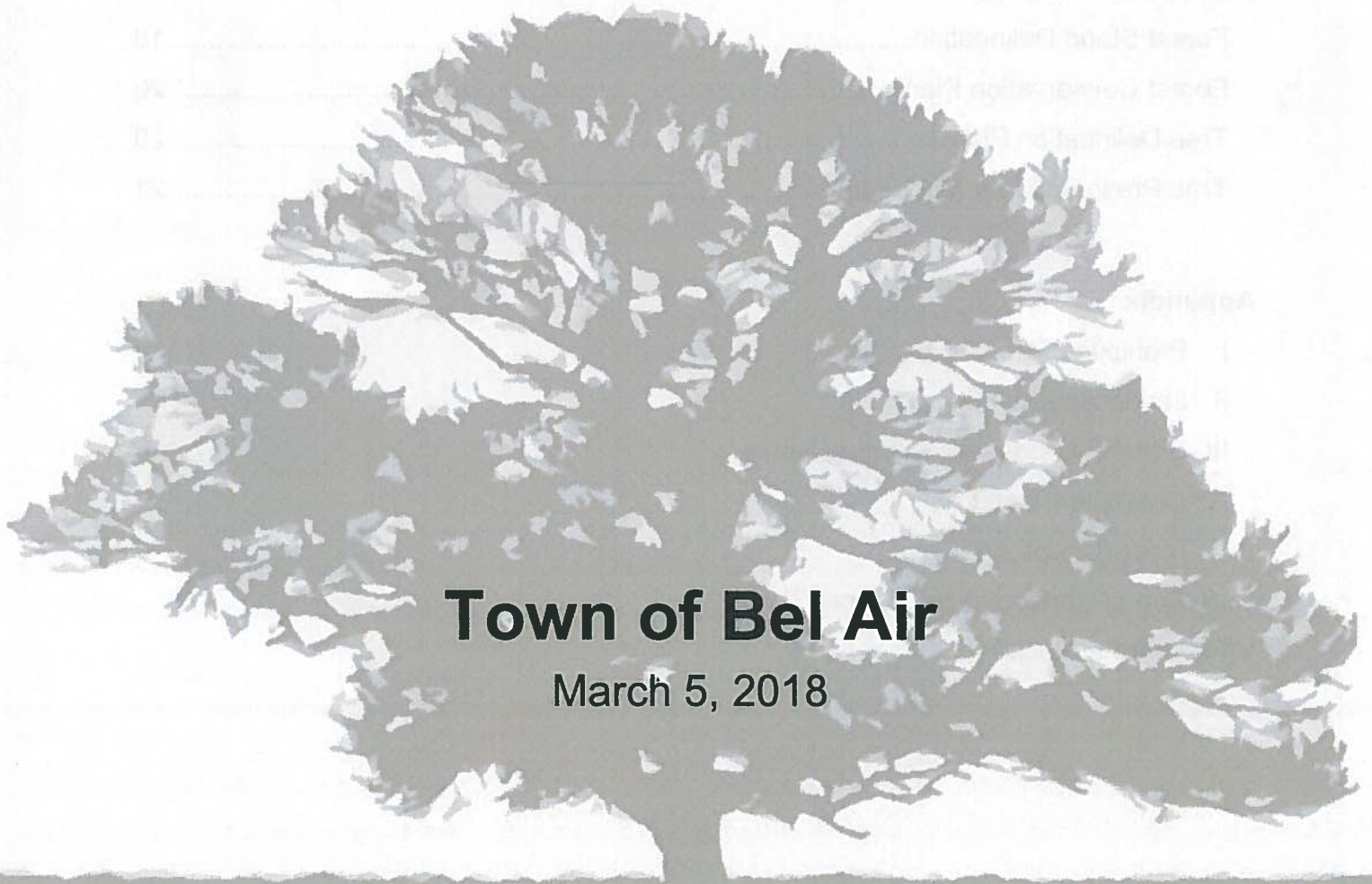




Landscape Manual



Town of Bel Air

March 5, 2018

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Introduction

In order to protect and visually enhance the Bel Air natural and physical environment, the Town Development Regulations require a Landscape Plan and/or Forest Conservation Plan for applicable redevelopment, new development and subdivision of land. This landscape manual is designed to be used in conjunction with Chapter 165, Part 2 of the Town Code including Article VI (Environmental Regulations) and Article VIII (Landscaping Standards) of the Development Regulations to assist developers, consultants and landowners in preparation of required documents. The guidelines will provide direction for treatment of existing vegetation, specify requirements for proposed plantings and provide standards for coordinating landscape with infrastructure. A well designed and thoughtful landscape and forest treatment will positively affect the appearance of the Town and improve values of all properties.

The intent of Landscape regulation is to improve quality of life by:

- Protection of natural and sensitive features (streams, forest, floodplain, wetlands, steep slopes, etc.)
- Reduce the risk of soil erosion and loss of natural vegetation
- Reduce the invasion of exotic and non-native species into the natural environment
- Provide habitat (food & cover) for existing wildlife
- Provide a screen or barrier between conflicting land uses
- Improve sustainability through creation of shade, windbreak or microclimate that will promote energy efficiency and effective management of resources
- Reduce ambient light intrusion and glare from area lighting, vehicle headlights and illuminated signs
- Mitigate noise, odor and air pollution created by intensive land uses
- Moderate Storm Water effects from developed property
- Improve the aesthetic and visual appearance of the Town
- Create barriers to enhance security and prevent trespass

Landscape Standards

In addition to forest conservation, landscape standards are established for applicable redevelopment, new development and subdivision of land in the Town. A well done Landscape Plan integrates the natural environment into site design by buffering conflicting uses, enhancing architecture and providing sustainable qualities to a proposed development. Long term impacts of development must be carefully evaluated based upon existing site constraints when considering plant spacing, species, size, and location.

The Town of Bel Air has established requirements in the Development Regulations (Article VIII) to properly regulate the application of landscape and guide new development so that each element is integrated into a comprehensive fabric. All landscape plans must be prepared by a Landscape Architect licensed in the State of Maryland and all final landscape plans signed and sealed by a registered Landscape Architect.

Landscape Plan

All proposed development and applicable redevelopment must submit a Landscape Plan for review and approval by the Zoning Administrator and/or Planning Commission. Designation of open space (active & passive), existing and proposed area lighting and any exterior amenities should be shown on this plan. The approved plan must be fully implemented and certified by the Town prior to issuance of a final Use and Occupancy Permit. A surety may be required if determined by the Zoning Administrator based upon the magnitude of the development or the potential impact mitigated by the proposed landscape.

The requirements for Landscape Plan submission are based upon the checklist provided below:

- [] Plan should be 24" by 36" and indicate north arrow, scale, date of drawing, property boundary, existing/proposed structures, paving, utilities and storm water management. Identification of the property owner, applicant and consultant is required along with tax map, zoning, acreage, parcel, deed reference, property address and signature blocks.
- [] Specify the size and species of existing vegetation and identify the quantity, location, size, species and spacing of proposed plant materials
- [] Describe method of installation, method of maintenance and retention of material in graphic and written format on the plan
- [] Provide existing tree locations noting all trees 10" in caliper or greater or a Forest Stand Delineation, whichever is applicable. Specify proposed protection measures.
- [] Indicate the locations of all existing and proposed overhead and underground utilities (including lighting). If none exist, this should be noted on the plan.
- [] Provide street trees per Section 165-58 of the Town of Bel Air Development Regulations. Any tree proposed or removed within the right-of-way must be approved by Maryland Department of Natural Resources, Forest Service. This requirement must be noted on the landscape plan if applicable.
- [] Provide following notes; 1) Topsoil moved during the course of construction shall be redistributed on all re-graded surfaces providing a minimum of four inches of even cover to all disturbed areas. Such areas shall be stabilized through seeding or sodding. 2) All required landscape material indicated on approved plan will be required through the life of the project and must be replaced if removed or dead. 3) No substitutions of plant material species, size or quantity from the approved landscape plan are permitted without prior approval from the Town of Bel Air. 4) Cost estimate (if required).
- [] Provide planting for protection of sloped areas and other environmentally sensitive areas (required for all slopes greater than 1:3).
- [] Provide perimeter buffering as required in Section 165-59.A of the Town of Bel Air Development Regulations.
- [] Provide parking lot interior planting in accordance with Section 165-59.B of the Town of Bel Air Development Regulations.
- [] Provide a tabulation chart of required plantings and proposed plants based on Article VIII requirements.
- [] Provide open space improvements as required by Section 165-52 of the Town of Bel Air Development Regulations (if applicable)

Landscape Design

The Town Planning Department has divided species of plants into categories based upon their size and characteristics in order to properly isolate specific needs of each landscape standard. These are identified as Major Deciduous Trees, Evergreen Trees, Minor Deciduous Trees, Shrubs and Groundcover. This list is by no means encompasses all potential plantings that may be contemplated for a proposed development. Cultivars, hybrids and plants not frequently used for local application may be desired by an applicant and these will be categorized on a case by case basis based upon their characteristics. Categories are defined below along with examples of each:

Major Deciduous Tree: a large, single trunk canopy or shade tree expected to reach more than thirty feet in height by maturity under typical urban growing conditions.

- Red Maple
- Sugar Maple
- Horsechestnut
- Birch (selected spp.)
- Buckeye
- Chestnut
- Hackberry
- Yellowwood
- Beech
- Green Ash
- White Ash
- Gingko
- Thornless Honeylocust
- Coffeetree
- Larch
- Sweetgum
- Redwood
- Sourgum
- Hophornbeam
- Corktree
- London Planetree
- Sawtooth Oak
- White Oak
- Bur Oak
- Pin Oak
- Willow Oak
- English Oak
- Red Oak
- Willow
- Sassafrass
- Bald Cypress
- Redmond Linden
- Littleleaf Linden
- Greenspire Linden
- Silver Linden
- American Elm
- Chinese Elm
- Zelkova

Evergreen Tree: a tree that maintains its foliage year round with a conical or upright habit expected to exceed ten feet height at maturity under typical urban growing conditions

- Mission Arborvitae
- White Fir
- Nordman Fir
- Veitch Fir
- Frazier Fir
- Blue Atlas Cedar
- Deodar Cedar
- Cedar of Lebanon
- Leyland Cypress
- American Holly
- Foster Holly
- Nellie Stevens Holly
- Blue Princess Holly
- Norway Spruce
- Colorado Spruce
- Austrian Pine
- White Pine
- Scotch Pine
- Japanese Black Pine
- Douglas Fir
- Canadian Hemlock
- Eastern Redcedar

Minor Deciduous Tree: a small single trunk or multi-stem tree that is expected to reach between ten feet and thirty feet at maturity under typical urban growing conditions

- Hedge Maple
- Amur Maple
- Japanese Maple
- Downy Serviceberry
- Shadblow Serviceberry
- Allegheny Serviceberry
- European Hornbeam
- American Hornbeam
- Japanese Hornbeam
- Redbud
- Fringetree
- Pagoda Dogwood
- Flowering Dogwood
- Kousa Dogwood
- Chinese Dogwood
- Filbert
- Harry Lauder's Walking Stick
- Cockspur Hawthorn
- Downy Hawthorn
- Washington Hawthorn
- Winter King Hawthorn
- Carolina Silverbell
- Goldenrain Tree
- Crape Myrtle
- Southern Magnolia
- Sweetbay Magnolia
- Star Magnolia
- Saucer Magnolia
- Dolgo Crabapple
- Sargent Crabapple
- Sourwood
- Sargent Cherry
- Kwanzan Cherry
- Weeping Cherry
- Yoshino Cherry
- Japanese Pagoda Tree
- Japanese Stewartia
- Japanese Snowbell
- Japanese Tree Lilac
- Blackhaw Viburnum

Shrub: an evergreen or deciduous woody plant that will typically reach a height between three feet and ten feet under typical urban growing conditions

- Abelia
- Chokecherry
- Barberry
- Butterfly Bush
- Boxwood
- Sweetshrub
- Flowering Quince
- Falsecypress
- Summersweet
- Silky Dogwood
- Corneliancherry Dogwood
- Redosier Dogwood
- Yellowtwig Dogwood
- Bloodtwig Dogwood
- Winterhazel
- Smoketree
- Scotch Broom
- Deutzia
- Winged Euonymus
- Seibold Euonymus
- Forsythia
- Witchhazel
- Hydrangea
- St. John's Wort
- Burford Holly
- Chinese Holly
- Japanese Holly
- Inkberry
- Winterberry
- Sargent Juniper
- Pfitzer Juniper
- Mountain Laurel
- Japanese Kerria
- Beauty Bush
- Privet
- Honeysuckle (selected spp.)
- Oregon Grapeholly
- Wax Myrtle
- Bayberry
- Heavenly Bamboo
- False Holly
- Mockorange
- Photinia
- Pieris
- Dwarf Pine
- Cherry Laurel
- Firethorn
- Buckthorn
- Rhododendron
- Azelea
- Smooth Sumac
- Rose (selected species)
- Skimmia
- Spirea
- Lilac
- Yew
- Viburnum
- Weigela

Groundcover: A vine or small shrub that does not achieve three feet in height at maturity

- English Ivy
- Juniper (selected spp.)
- Perrywinkle
- Euonymus (selected spp.)
- Liriope
- Cotoneaster

- Bearberry
- Pachysandra
- Honeysuckle (selected spp.)
- Leucothoe
- Fothergilla
- Bugleweed
- Grasses (selected spp.)
- Virginia Creeper

Bel Air has adopted landscape guidelines with regard to specific situations that may be encountered when development occurs. Examples of a few typical development conditions are outlined below (other types of buffering will be addressed on a case by case basis):

- Utilities
 - Trees within 15 feet of a distribution pole must be Minor Deciduous Trees
 - Trees within 15 feet to 40 feet from a distribution pole may be Major Deciduous Trees that do not achieve more than 50 feet in height at maturity
 - Major Deciduous Trees are not permitted within 10 feet of an underground utility and must remain outside of any utility easement. Specific trees that may have a more significant impact to utility lines (especially water & sewer) will be identified during the review process and may require a greater setback or other measures
- Landscape should be coordinated with any proposed or existing exterior lighting to avoid blocking the needed illumination or conflicting with poles and fixtures
- Crime Prevention Through Environmental Design (CPTED) principals should be considered when preparing any landscape plan
- Plants with thorns should not be located in close proximity to sidewalks or other pedestrian routes, however, if a barrier is needed to control a site perimeter or provide security this guideline is flexible
- Every effort should be made to install a variety of plant material to avoid creating a mono-culture
- Foundation plantings are not specifically reviewed as part of the zoning approval process, however, they are encouraged to soften the building edge and create a transition from surrounding elements
- Groundcovers, grasses and selected perennials are recommended for spaces of small size, steep slopes and areas which are difficult to maintain
- Low maintenance landscapes made up of native species that require reduced upkeep (pruning, fertilization & pesticides) and need less water are encouraged
- Limited areas of grass are recommended to limit the need for mowing and associated maintenance

Perimeter Buffering

Conflicting uses outlined in Section 165-59 must be buffered in accordance with the chart provided. Buffering is measured based upon the application of a standardized Planting Unit (PU). The number of planting units required along a specified boundary with an adjacent use is calculated by taking the length of the required buffer divided by the number of planting units required per linear foot.

A Planting Unit equals:

- 1 Major Deciduous Tree
- 2 Minor Deciduous Trees
- 2 Evergreen Trees
- 10 Shrubs

The design, species and location of planting associated with perimeter buffering is typically applied on a case by case basis based upon the adjacent uses and what is being screened. In some cases, installation of perennial herbaceous plants such as ornamental grasses may be appropriate if approved by the Zoning Administrator or Planning Commission. As an example, refuse/recycling enclosure may require a different design than buffering between residential and recreation uses. Factors such as orientation, topography, hydrology, soils, groundcover and space for growth should be reviewed as part of the design process. Examples of buffering conditions and suggested plant types are outlined below and shown in illustrations 01 & 02:

- Transformers, cable/phone boxes and air conditioning units – evergreen shrubs and/or ornamental grasses which screen the unit without preventing access
- Refuse/recycling enclosures, loading and service areas – evergreen trees and shrubs that grow to the desired height
- Access or service drives – shade trees and evergreen trees
- Storm water management, inlets, headwalls and outfalls – native shrubs and trees habituated to a riparian environment

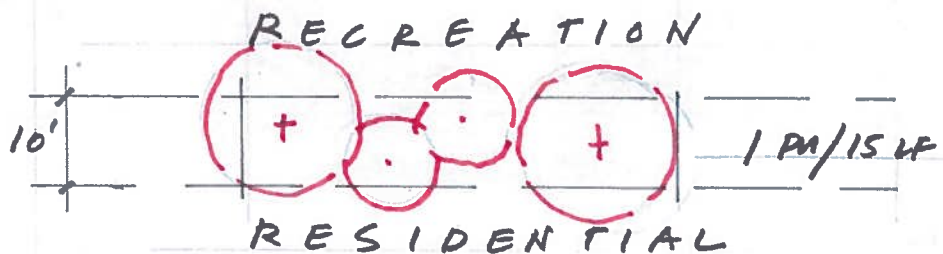
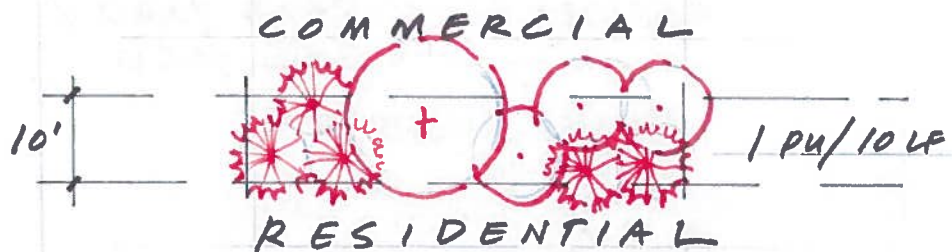
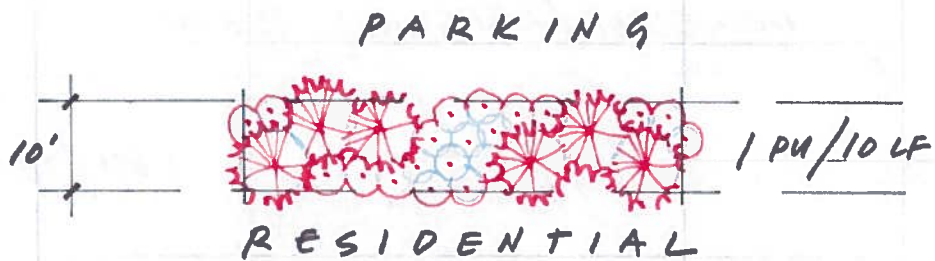
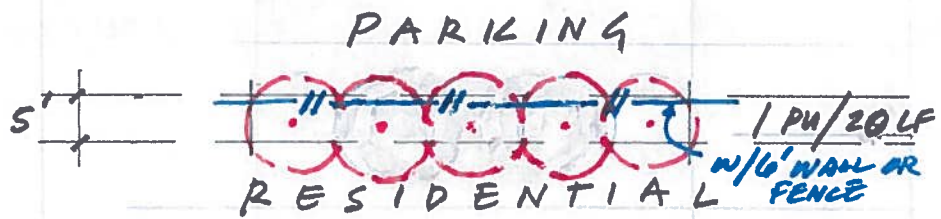
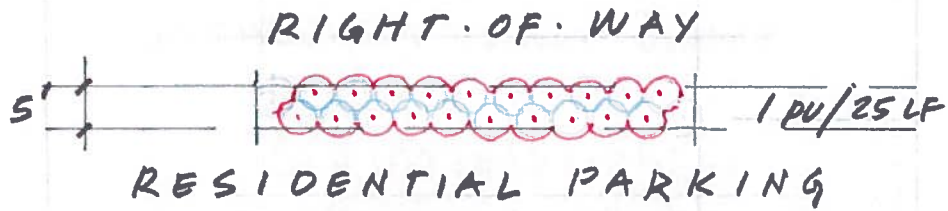
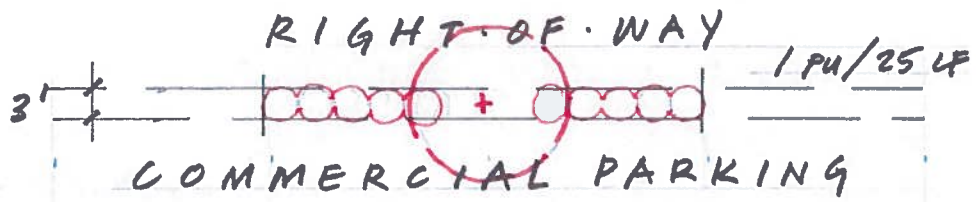


Illustration 01

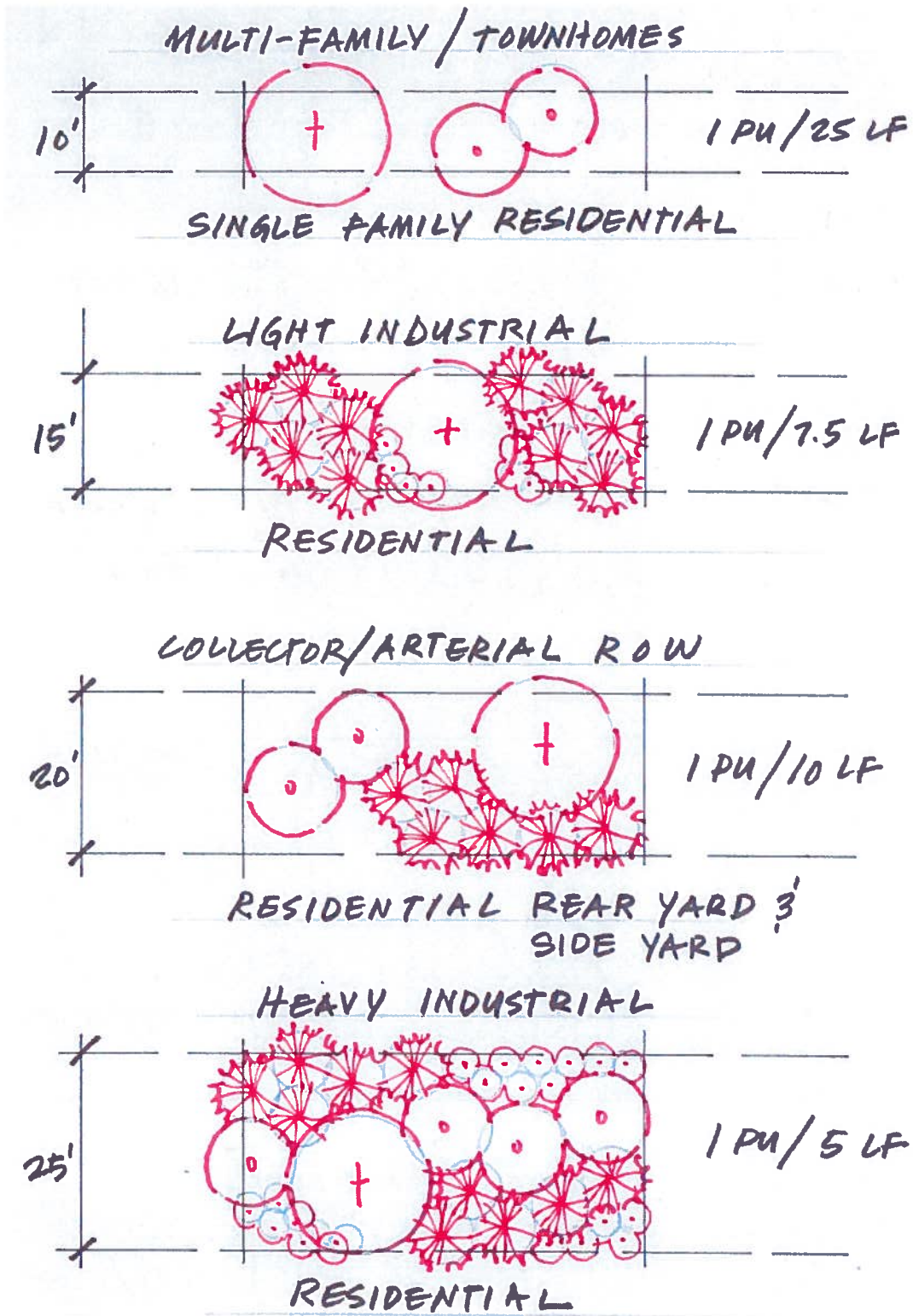


Illustration 02

Use	Use	Buffer Width	Buffer Type
Multi-Family, Townhouse or Institutional use	Single Family	10 feet	1 pu/25 LF (1pu/50 LF w/ 6' fence, wall, berm)
Recreation	Residential	10 feet	1 pu/15 LF
Residential (Rear or Side Yard)	Collector/Arterial Right-of-Way	20 feet	1 pu/10 LF
Commercial	Residential	10 feet	1 pu/10 LF
Industrial (Heavy)	Residential	25 feet	1 pu/5 LF
Industrial (Light)	Residential	15 feet	1 pu/7.5 LF
Parking	Residential	10 feet	1 pu/10 LF (1 pu/20 LF w/4' fence, wall or berm)
Commercial Parking	Right-of-Way	3 feet	1 pu/25 LF
Residential Parking	Right-of-Way	5 feet	1 pu/25 LF
Parking/industrial/commercial	Commercial	3 feet	No buffer required

Parking Interior Landscape

The urban and commercial nature of Bel Air requires particular attention to parking lot landscape requirements. The intention is to attenuate the overwhelming exposure and associated heat caused by large areas of paving. Provision of appropriate landscape and trees within the interior of large areas of impervious surface will mitigate storm water drainage, pollution runoff and the harsh microclimate impacts to nearby properties. Some minimum requirements regarding planting are provided in Article VIII and shown below:

- Parking lot area is measured based upon the edge of the paved area for parking spaces and associated drive aisles as shown on illustration 03.

- Landscape area must be at least eight percent of the total parking lot area and must be a minimum of three feet in width to be included in the required calculation.
- A Major Deciduous Tree must be provided for every ten parking spaces
- Landscape area which accommodates trees or shrubs must have a minimum pervious area of 100 square feet with at least six feet in width
- Parking islands must be provided at the ends of all parking bays with ten spaces or more. Islands must be evenly distributed throughout the parking lot with no more than 20 consecutive spaces without a landscape island.
- Wheel stops must be installed where plantings are centered within two feet of the back of curb.
- Buffering adjacent uses from parking is unique to the buffered use, the parking orientation/arrangement and the provision of walls/fencing – some the typical buffering is exemplified in illustration 04
- Where visibility is required, utilities exist or restrictive site conditions require alteration of landscape, changes to minimum landscape areas, plant size, type or number may be permitted with the approval of the Zoning Administrator or Planning Commission

Illustration 03

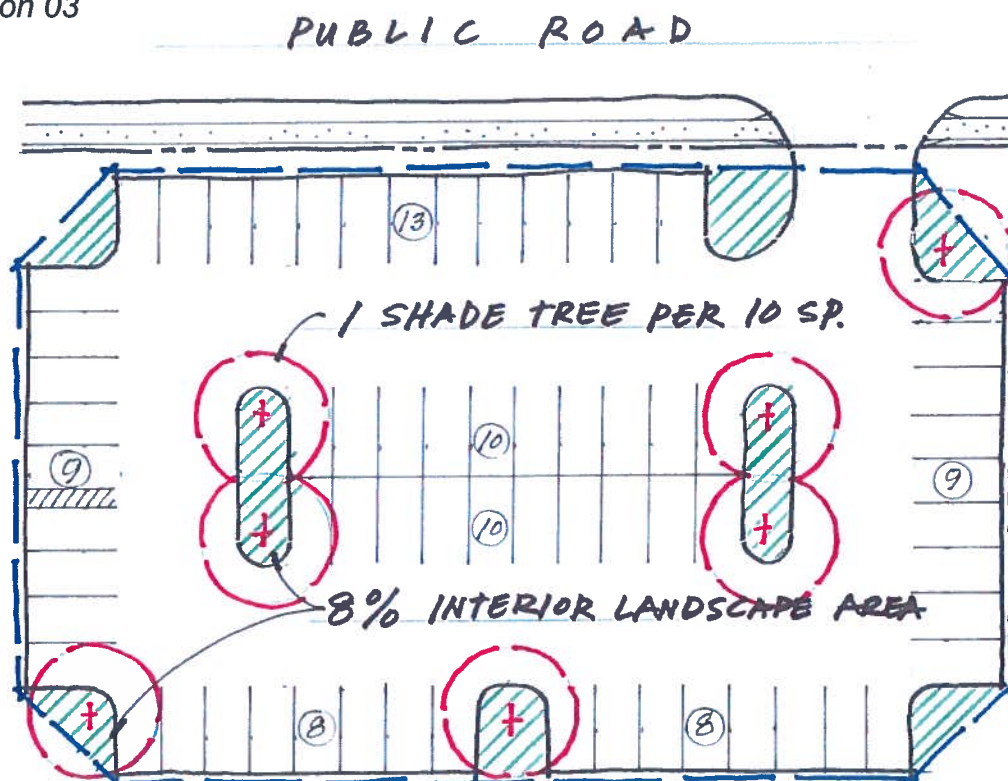
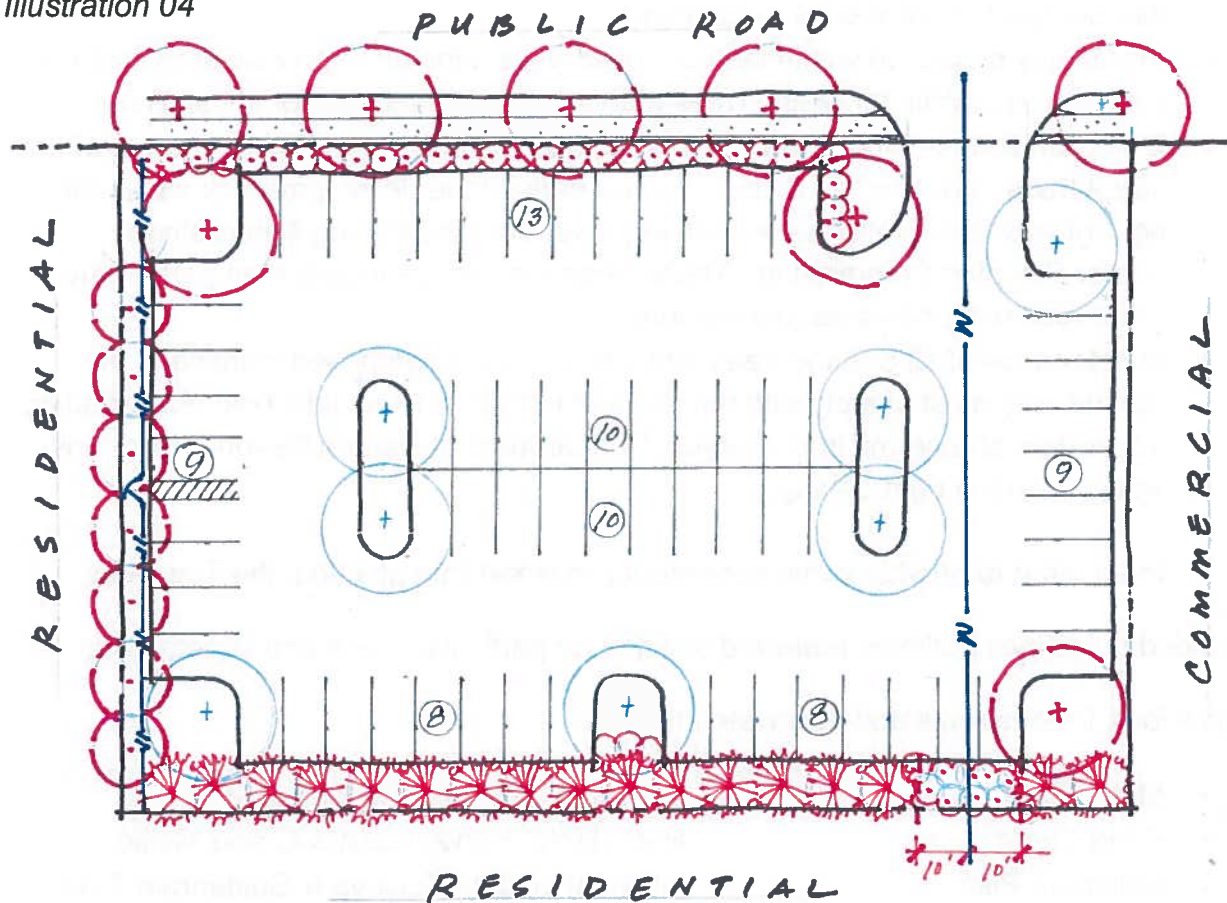


Illustration 04



Street Trees

Shade Trees are required along frontage of all properties that abut a public road requiring site plan or subdivision review. The trees are intended to create a unified streetscape, soften the architecture and enhance the roadway environment. Some requirements for Street Tree planting are outlined below:

- Spacing
 - Major Deciduous Trees 40 feet
 - Minor Deciduous Trees 30 feet
- Evergreen Trees or Shrubs shall not be applied to street tree requirements

- Trees should not be installed where they will interfere with overhead or underground utilities, obstruct visibility of signs or traffic signals or block views at intersections of vehicles or pedestrians
- Trees may be placed within the right-of-way if a minimum pervious area width of six feet is available for Major Trees and four feet is available for Minor Trees
- If site conditions do not allow complete fulfillment of the mandatory number of street trees, they may be placed in other parts of the development or within the right-of-way of a nearby street with approval from the Zoning Administrator and/or Planning Commission. These trees may not be included as part of any other required landscape requirement.
- Maintenance of all existing trees and procedures for proposed planting in the right-of-way must comply with the State of Maryland Roadside Tree law including acquisition of a permit from Maryland Department of Natural Resources for any work within the right-of-way.

In an effort to provide some consistency in street tree planting, the Town has provided guidelines outlining preferred species for particular roads and streets. See below for a list of streets and associated trees:

- | | |
|------------------------------|--|
| • Main Street | Japanese Zelkova & Honeylocust |
| • Bond Street | Red Maple, Honeylocust & Crape Myrtle |
| • Baltimore Pike | Littleleaf Linden, Zelkova & Goldenrain Tree |
| • Hickory Avenue | London Plane Tree, Willow Oak & Fringetree |
| • Downtown Secondary Streets | Japanese Zelkova, Yellowwood & Serviceberry |
| • Residential Streets | Red Maple, Willow Oak, London Plan Tree, Hackberry & Redbud & Crape Myrtle |

Landscape Details & Notes

Specific details and associated notes are required for all Landscape Plans depending on the type of planting being proposed and the site conditions associated.

These are based upon accepted industry standards (latest edition) as provided below:

- Landscape Contractors Association Specification Guidelines
- American Standard for Nursery Stock
- American Association of Nurseryman Standards

The Town requires a minimum size and height at installation for all plant material that will fulfill a landscape standard requirement. A plant that does not meet these specifications during final inspection will not be approved. Standards are listed below:

- | | | |
|------------------------|------------------|-----------------|
| • Major Deciduous Tree | 2 ½ inch caliper | 12 foot height |
| • Minor Deciduous Tree | 1 ½ inch caliper | 8 foot height |
| • Evergreen Tree | | 5 foot height |
| • Shrub | | 2.5 foot height |

All plantings must be installed according to the approved plan and must be inspected by the Town prior to Use & Occupancy of the building. Any modification of the approved plan requires a resubmission to the Planning Department or Planning Commission. The following standards are applicable to all landscape installations:

- Preferred landscape installation periods are:
 - March 15 to June 15
 - September 15 to November 30
- Care should be taken to protect roots of plant material prior to installation and plants should not be stored on-site more than 48 hours prior to installation without regular watering
- Topsoil removed must be re-spread to a minimum of four inch depth in all areas of disturbance
- All areas disturbed must be stabilized prior to Use & Occupancy permit
- If necessary, compacted soils and soils containing debris must be amended using the proper and accepted methods prior to planting
- Disturbed areas outside of construction impact zones should be top-dressed

Landscape Maintenance & Surety

All plantings shall have a minimum warranty period of one year. During that period, watering, fertilizing, pruning and related maintenance is the responsibility of the developer. After one year, any plants which have died or contain more than one-quarter dead limbs/stems must be replaced. In addition, any tree wrap, stakes, guy wires and construction fencing must be removed at the end of one year.

Landscape must remain for the life of the project unless a request for modification or revised landscape plan is submitted and approved by either the Planning Commission or Zoning Administrator.

If the size or nature of the development requires, a surety in the form of a Performance Bond for 100% of the required landscape shall be required prior to grading/building permit. The amount of this surety shall be based on a local contractors quote for installation or upon the following typical unit plant installed costs:

- Major Deciduous Tree \$400/each
- Minor Deciduous Tree \$250/each
- Evergreen Tree \$200/each
- Shrub \$50/each

This security shall be held for a period of one year or through an entire growing season when the Town will re-inspect the landscape.

Proper maintenance of plant material is essential to the desired effect for a specific site condition. A well maintained landscape can increase the property value and enhance the performance of a business establishment. Recommended maintenance practices are outlined below:

- All trees (especially shade trees) should never be topped. This is the indiscriminate cutting of tree branches to stubs or to lateral branches that are not large enough to assume a terminal role.
- When shrubs are planted in a line to screen an objectionable view or attenuate the impacts of a use, the shrubs should be pruned as a hedge and allowed to grow together.
- Planting in the first year of growth should be watered, fertilized and weeded regularly. Mulching, pruning and pest control should be added as part of a comprehensive maintenance program after the first year.
- Dead, dying or damaged plants should be replaced with the same species as soon as weather permits.
- Plantings in close proximity to overhead lines should be pruned on a more frequent schedule to insure the branches do not interfere with the utility.

Forest Conservation

The State of Maryland requires the preservation of existing forest through a series of Forest Conservation legislation. The Town adopted these regulations and subsequent changes since that time with the most recent ordinance passed in 2009 and found in Chapter 216 (Forest Conservation) of the Town code. Chapter 435 (Trees) also addresses the priority the Town places on trees and the preservation of tree canopy. The intent is to preserve existing forest, supplement forest when clearing is necessary and insure the protection and maintenance of forest plantings. All Forest Conservation documents must be prepared by a Certified Forest Professional, a licensed Forester or a Landscape Architect qualified to practice in the State of Maryland. The specific plan requirements are outlined below:

Forest Stand Delineation

The first step in the forest conservation process for properties which exceed 40,000 square feet is to review the existing conditions and prepare a Forest Stand Delineation (FSD). This plan may be combined with the Forest Conservation Plan (FCP) with the approval of the Zoning Administrator. An FSD plan must include the following:

- Name/address of project, owner, applicant and consultant
- North arrow, date, scale, tax map, parcel & deed/plat reference
- Existing structures, paving, utilities including topography and soils with sensitive areas such as wetlands, steep slopes, streams and floodplain delineated
- Existing forest cover showing specimen trees and distinct forest stands indicating species, location and size based upon field inspection
- Narrative including description of the property and each forest stand surveyed

- Additional information may be requested by the Town including but not limited to investigation of Town/County/State champion trees, Rare, Threatened & Endangered species, Non-Tidal Wetlands, Floodplain, Steep Slopes and other areas of special state concern
- Plan must meet the latest edition of the Maryland Forest Conservation Technical Manual requirements as issued by the State Department of Natural Resources

Forest Conservation Plan

Following approval of the Forest Stand Delineation, a Forest Conservation Plan is submitted outlining the impacts from any proposed development, mitigation measures proposed along with any reforestation/afforestation required.

- All project related data required under the Forest Stand Delineation requirements
- Forest areas impacted by development including calculation of acreage and any specimen trees to be removed
- Protection measures such as silt fence and tree protection fence
- Location of equipment storage, soil stockpile, construction entrance, temporary sediment control and storm water management
- Proposed planting to address reforestation/afforestation including a plant schedule indicating specimen, size, condition, spacing and location
- Notes and details related to installation and maintenance procedures

Tree Delineation Plan

For properties of less than 40,000 square feet, a Tree Delineation Plan is required as described in Article VI of the Development Regulations. With any development that impacts existing tree cover, tree delineation should be the first step in the development process to assist in protection of the most environmentally sensitive and aesthetically pleasing elements of the site.

- Provide project data as required on the Forest Conservation Plan
- Identify and locate all mature trees measuring 10 inch DBH (Diameter at Breast Height) or more

- Identify the boundaries of all existing forest areas
- A minimum of 50% of existing forest cover and mature trees must be preserved or replacement is required
- Preservation measures must be specified (with notes & details) on the plan including but not limited to:
 - Tree protection fence
 - Root and canopy pruning
 - Heavy equipment storage & parking
 - Aeration, fertilization and soil amendments
- If development cannot be accomplished without removal of more than 50% of existing trees, replacement must occur at the following ratios:
 - Trees with 10 inch to 24 inch DBH 2 : 1
 - Trees which exceed 24 DBH 4 : 1
- Trees which exceed 36 inch DBH, trees that are found on the Town Champion Tree List, or trees that are at least 50% of the State Champion tree for that species must receive written approval from the Bel Air Planning Department and the Town Tree Committee for removal
- Payment of a fee-in-lieu for tree replacement may be permitted with written approval from the Zoning Administrator or the Planning Commission

Tree Preservation & Management

Given the urban nature of the Town, every effort should be made to preserve existing forest and tree canopy. This means proper management of forest areas and protection of trees adjacent to construction. Applicants should refer to ANSI A300, Part 5: Tree, Shrub and other Woody Plant Maintenance – Standard Practices (Management of Trees and Shrubs during site planning, site development and construction). General notes related to installation, maintenance and management are found in Appendix VI

Appendix I

Prohibited Invasive Landscape Material

The plant species listed below are barred from inclusion in a proposed Landscape Plan due to their invasive nature, objectionable qualities or susceptibility to pests or disease. Exceptions may be granted by the Zoning Administrator or Planning Commission.

Aquatic Plants

Eurasian watermilfoil
Myriophyllum spicatum

Giant salvinia
Salvinia molesta

Hydrilla
Hydrilla verticillata

Parrot feather watermilfoil
Myriophyllum aquaticum

Water chestnut
Trapa natans

Herbaceous Plants

Garlic mustard
Alliaria petiolata

Japanese knotweed
Polygonum cuspidatum

Japanese stilt grass
Microstegium vimineum

Lesser celandine
Ranunculus ficaria

Purple loosestrife
Lythrum salicaria

Exotic bamboos
Bambusa, phyllostachys and pseudosasa species

Canada thistle
Cirsium arvense

Chinese lespedeza
Lespedeza cuneata

Chinese silver grass
Miscanthus sinensis

Common daylily
Hemerocallis fulva

Common reed
Phragmites australis

Giant hogweed
Heracleum mantegazzianum

Giant reed
Arundo donax

Marsh dewflower
Murdannia keisak

Spotted knapweed
Centaurea biebersteinii

Shrubs

Autumn olive

Elaeagnus umbellata

Exotic bush honeysuckles

Amur (*Lonicera maackii*)

Bell's (*Lonicera x bella*)

Dwarf (*Lonicera xylosteum*)

Fragrant (*Lonicera
fragrantissima*)

Morrow's (*Lonicera morrowii*)

Standish's (*Lonicera standishii*)

Tartarian (*Lonicera tatarica*)

Japanese barberry

Berberis thunbergii

Multiflora rose

Rosa multiflora

Privets

Border privet (*Lingustrum
obtusifolium*)

Chinese privet (*Lingustrum
sinense*)

European privet (*Lingustrum
vulgare*)

Japanese privet (*Lingustrum
japonicum*)

Wineberry

Rubus phoenicolasius

Winged burning bush

Euonymus alata

Butterfly bush

Buddleja species

Japanese spiraea

Spiraea japonica

Jetbead

Rhodotypos scanderns

Trees

Bradford pear

Pyrus calleryana 'Bradford'

Norway maple

Acer platanoides

Princess tree

Paulownia tomentosa

Tree of heaven

Ailanthus altissima

Silk tree, mimosa tree

Albizia julibrissin

Paper mulberry

Broussonetia papyrifera

Sawtooth oak

Quercus acutissima

White mulberry

Morus alba

Silver Maple

Acer saccharinum

Siberian Elm

Ulmus pumila

Boxelder

Acer negundo

Black Locust

Robina Pseudoacacia

Vines & Groundcovers

English ivy
Hedera helix

Creeping euonymus
Euonymus fortunei

Kudzu
Pueraria montana

Mile-a-minute
Polygonum perfoliatum

Oriental bittersweet
Celastrus orbiculatus

Porcelainberry
Ampelopsis brevipedunculata

Exotic wisterias
Chinese (*Wisteria sinensis*)
Japanese (*Wisteria floribunda*)

Fiveleaf akebia
Akebia quinata

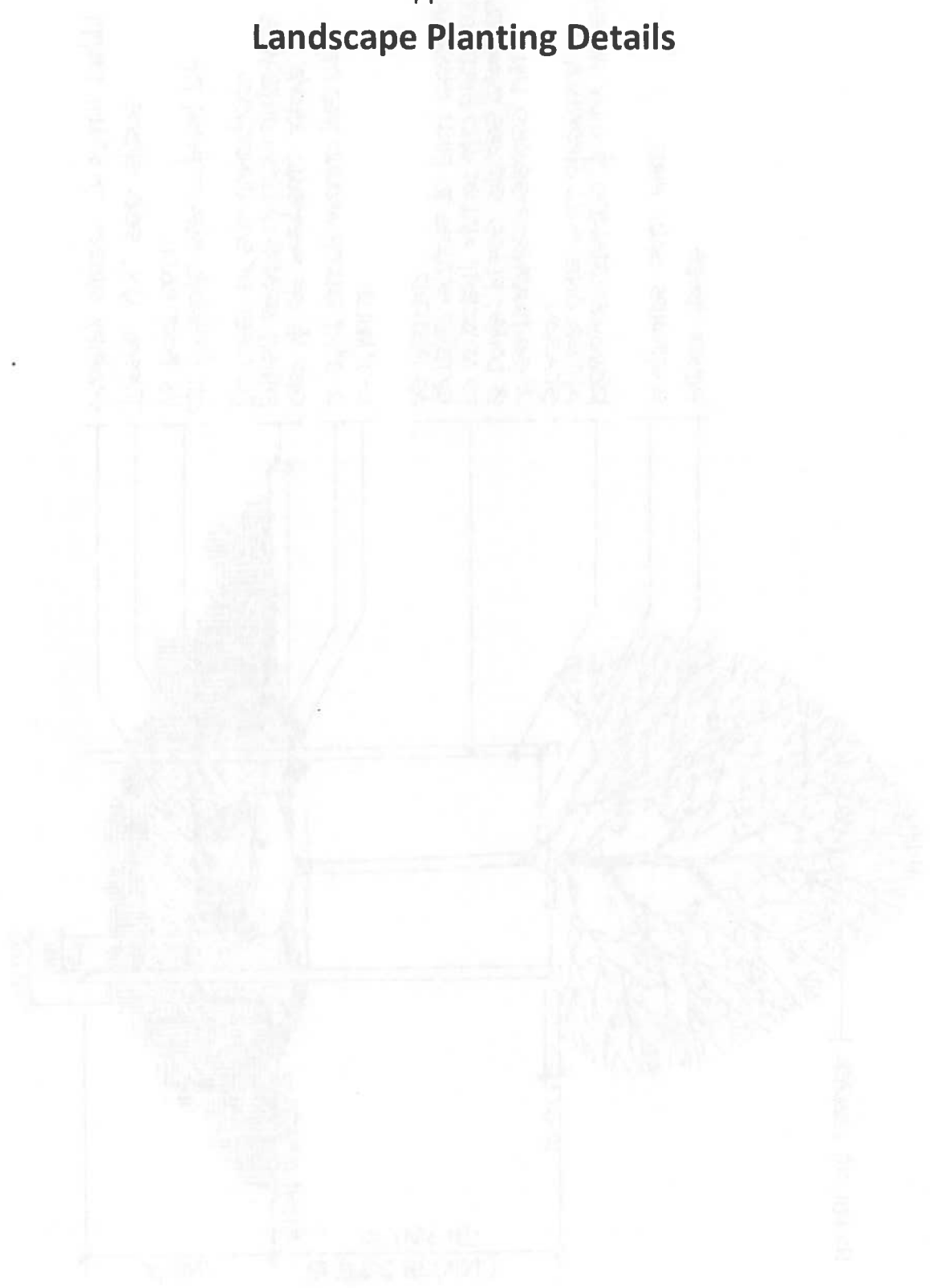
Japanese honeysuckle
Lonicera japonica

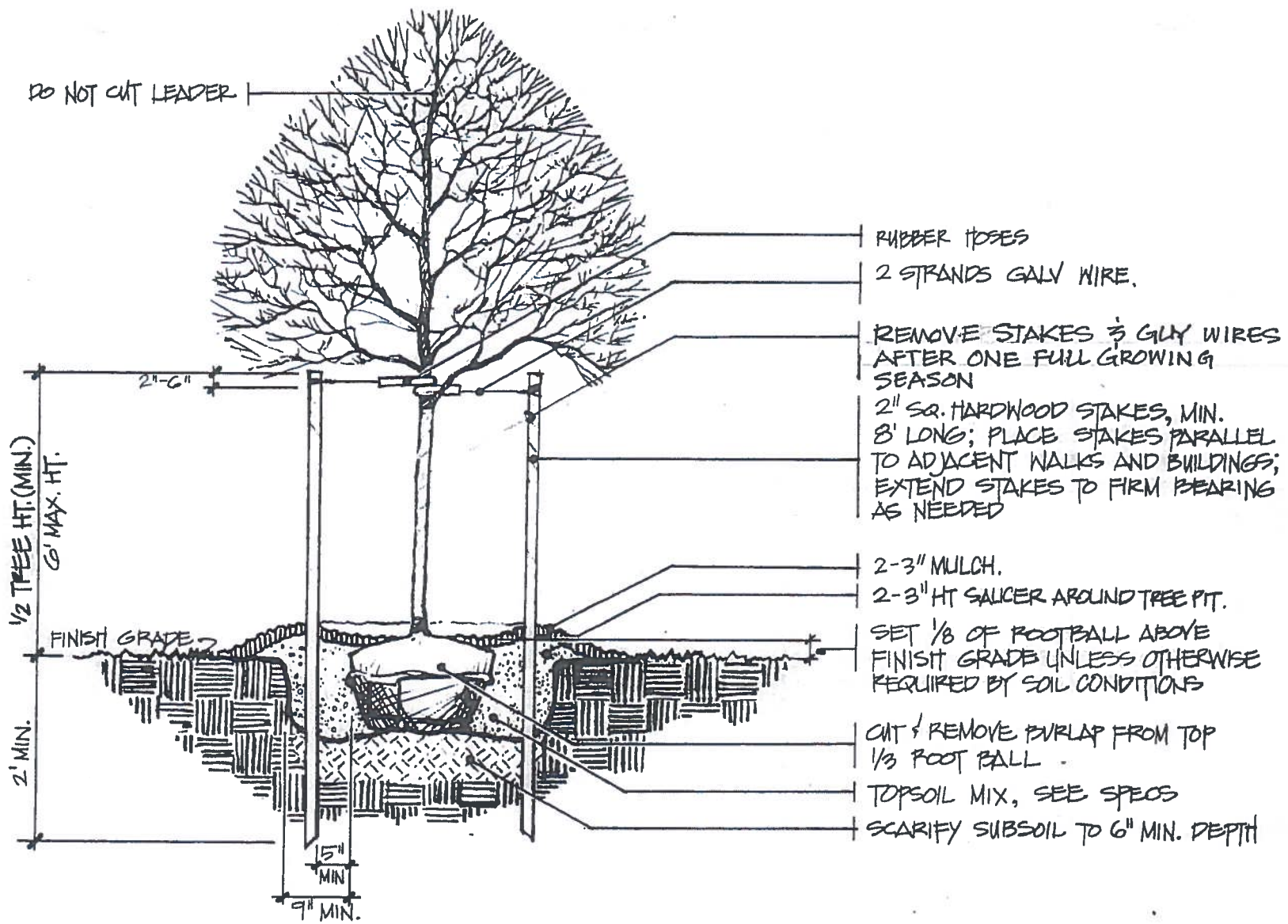
Louise's swallow-wort
Cynanchum louiseae

Periwinkle
Vinca minor

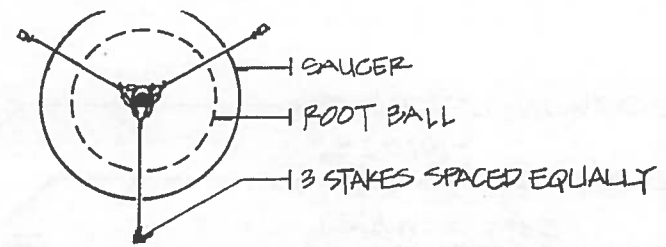
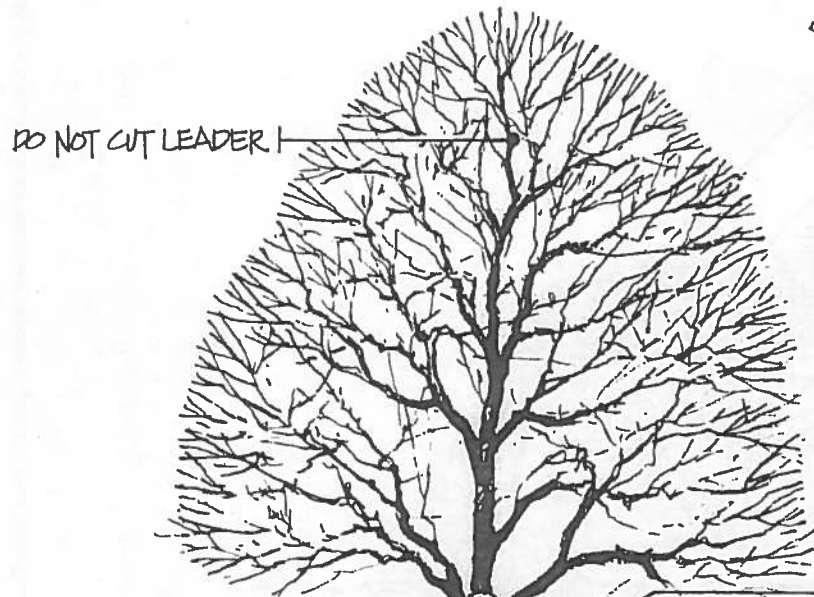
Appendix II

Landscape Planting Details



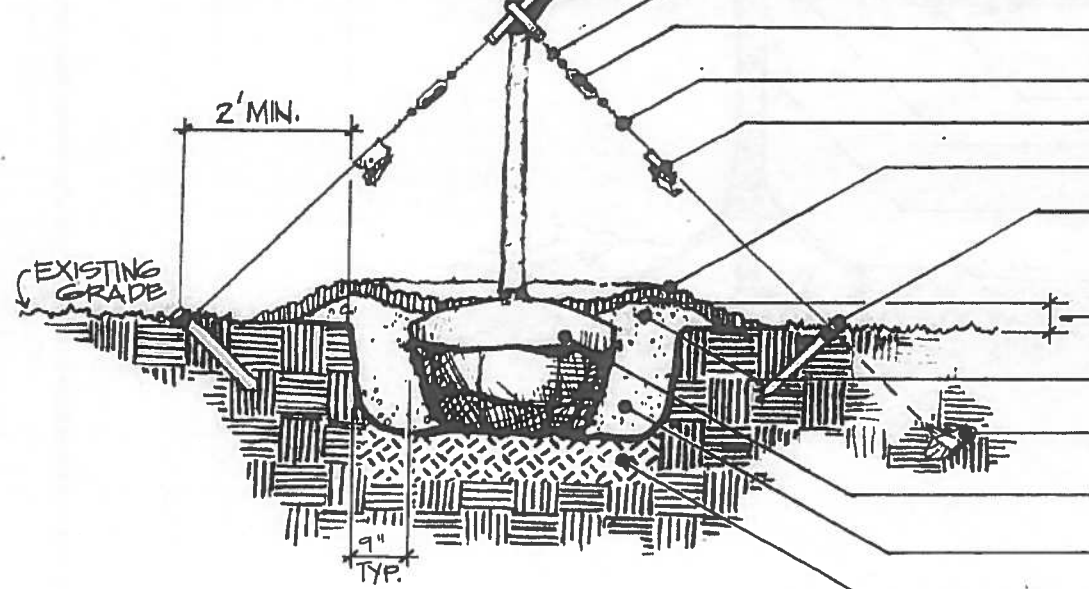


DECIDUOUS TREE PLANTING (UP TO 3" CALIPER)



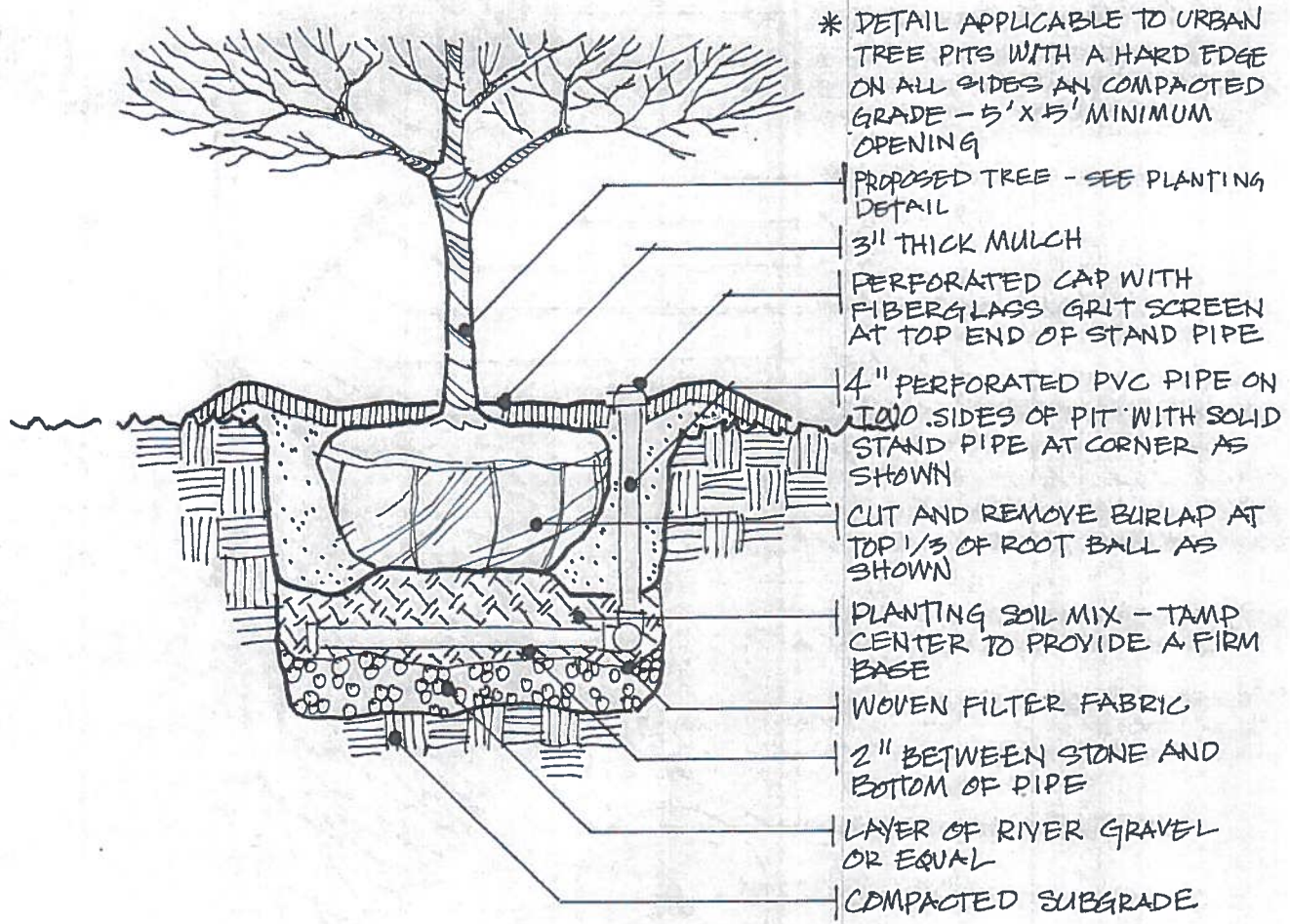
PLAN

- GUY TREES 3" TO 6" CAL. WITH (3) THREE GUYING STAKES PER TREE.
- GUY TREES OVER 6" CAL. WITH GROUND ANCHORS OR DEADMEN (3) THREE PER TREE.
- RUBBER HOSE - CUT TO EXTEND 2" PAST TREE TRUNK WHEN WRAPPED. SECURE ABOVE THE LOWEST STOUT BRANCH OR A MIN. 1/3 OF TREE HEIGHT.
- REMOVE WIRES AFTER GROWING SEASON



- TURNBUCKLE
- GUYWIRE OR CABLE
- FLAG
- 2-3" MULCH
- GUYING STAKE
- SET 1/3 OF ROOT BALL ABOVE FINISH GRADE UNLESS OTHERWISE REQUIRED BY SOIL CONDITIONS.
- 2-3" HT. SAUCER AROUND TREE PIT
- GROUND ANCHOR OR DEADMAN
- CUT & REMOVE BURLAP FROM TOP 1/3 ROOT BALL
- TOPSOIL MIX, SEE SPECS
- SCARIFY SUBSOIL TO 6" MIN. DEPTH

DECIDUOUS TREE PLANTING (OVER 3" CALIPER)



* DETAIL APPLICABLE TO URBAN TREE PITS WITH A HARD EDGE ON ALL SIDES AND COMPACTED GRADE - 5' X 5' MINIMUM OPENING

PROPOSED TREE - SEE PLANTING DETAIL

3" THICK MULCH

PERFORATED CAP WITH FIBERGLASS GRIT SCREEN AT TOP END OF STAND PIPE

4" PERFORATED PVC PIPE ON TWO SIDES OF PIT WITH SOLID STAND PIPE AT CORNER AS SHOWN

CUT AND REMOVE BURLAP AT TOP 1/3 OF ROOT BALL AS SHOWN

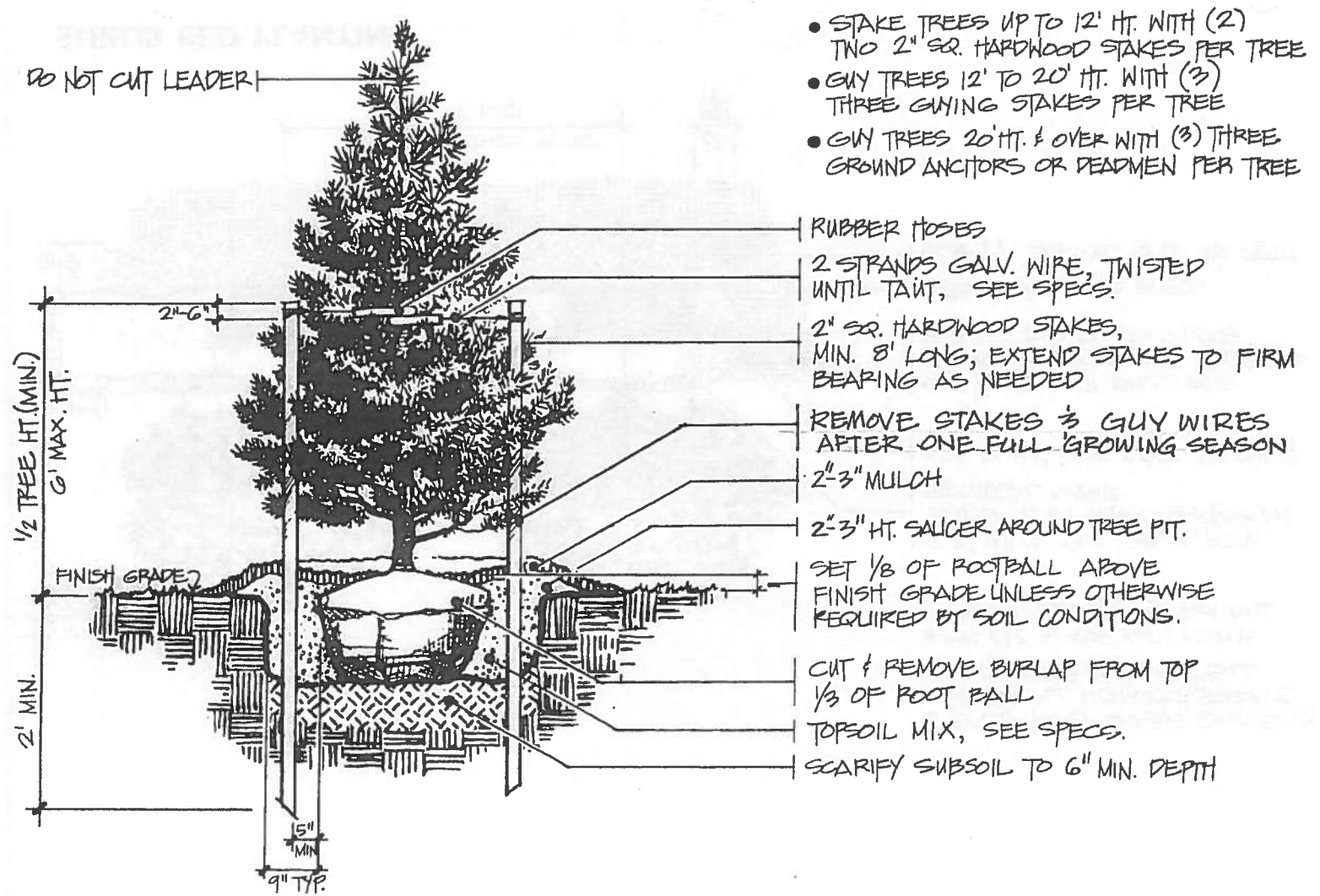
PLANTING SOIL MIX - TAMP CENTER TO PROVIDE A FIRM BASE

WOVEN FILTER FABRIC

2" BETWEEN STONE AND BOTTOM OF PIPE

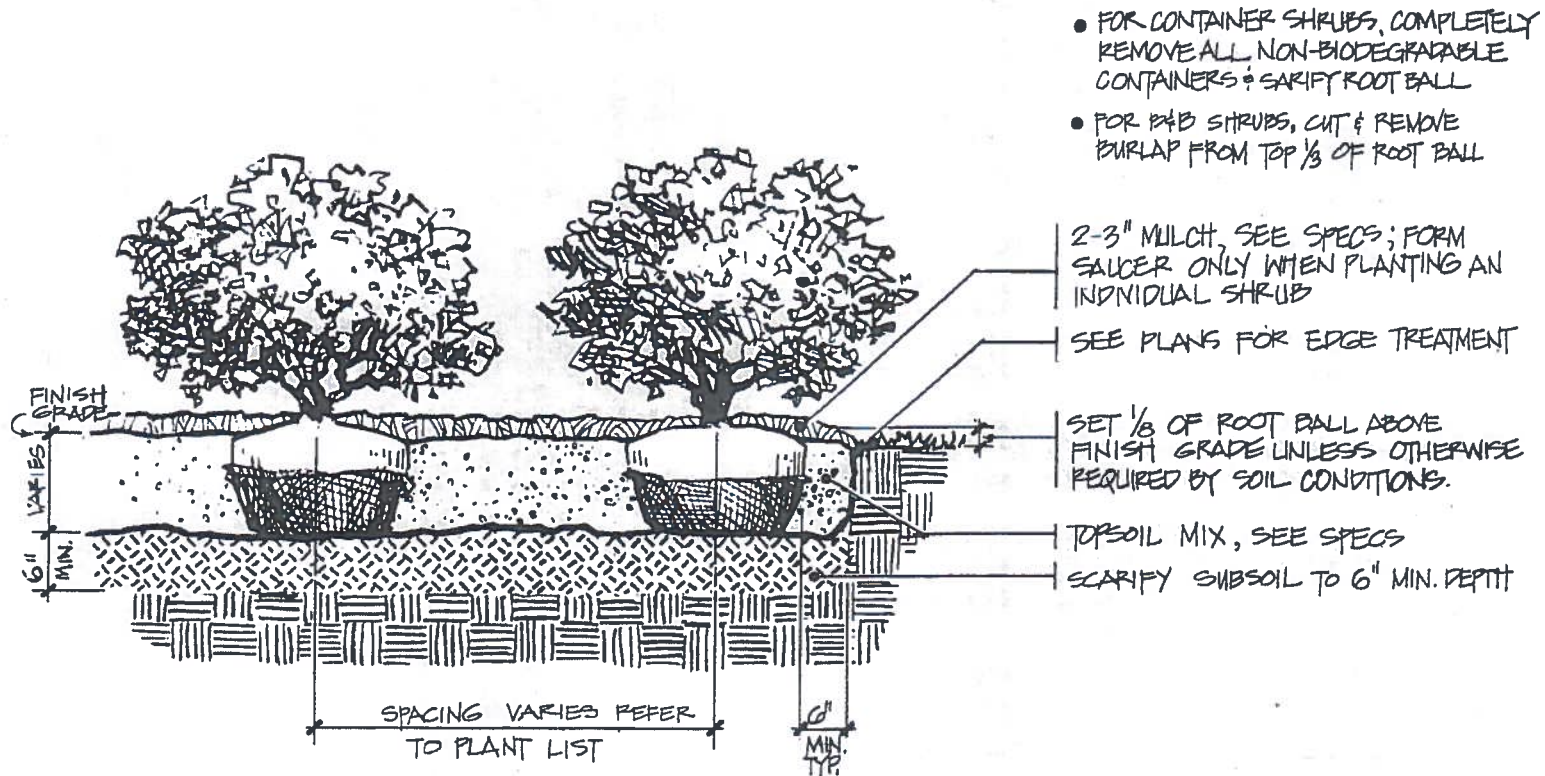
LAYER OF RIVER GRAVEL OR EQUAL

COMPACTED SUBGRADE



- STAKE TREES UP TO 12' HT. WITH (2) TWO 2" SQ. HARDWOOD STAKES PER TREE
- GUY TREES 12' TO 20' HT. WITH (3) THREE GUYING STAKES PER TREE
- GUY TREES 20' HT. & OVER WITH (3) THREE GROUND ANCHORS OR DEADMEN PER TREE

EVERGREEN TREE PLANTING



SHRUB BED PLANTING

Appendix III

General Planting Notes

1. All plant material shall conform to the sizes given in the plant list and shall be nursery grown in accordance with the "USA Standard for Nursery Stock." Latest edition.
2. All planting shall be in accordance with the latest American Association of Nurserymen Procedures and Specifications.
3. Contractor and owner's representative shall verify the correct location of all underground utilities in the field prior to installation of any plant material.
4. Plan material location to be staked in the field and approved by the landscape architect prior to planting.
5. All plant beds and planting areas to be mulched to a depth of 3" shredded hardwood bark unless otherwise noted on drawings or specifications.
6. Obtain approval from owner's representative before making any substitutions or changes. No substitutions of plant material species, size or quantity from the approved landscape plan are permitted without prior approval from the Town of Bel Air.
7. All plant beds shall be contained with a spaded edge unless otherwise noted on drawings.
8. Quantities shown on plant list are for the contractor convenience only and are not guaranteed to be accurate. In the event of a discrepancy between quantities shown on the plan and quantities shown on the plant list, the quantities on the plan shall apply.
9. This plan has been prepared in accordance with the provisions of the Town of Bel Air Code and Landscape Manual.
10. General contractor is to provide all materials and labor, including plants, planter fill materials, mulches, soil preparation, decorative items, inspection, transportation, warranty, etc.
11. Topsoil moved during the course of construction shall be redistributed on all re-graded surfaces providing a minimum of four inches of even cover to all disturbed areas. Such areas shall be stabilized through seeding or sodding.
12. The use of on-site topsoil must be approved in advance by landscape architect.

13. Each planting bed area is to receive a minimum of 6" of prepared soil cultivated to a 12" depth. Prepared soil shall be mixed as follows: 2/3 sandy loam topsoil free of roots, rocks, weeds, and other debris and 1/3 peat moss or approved organic mulch.
14. Soil additives to be granular fertilizer of 1:2:1 ratio. Soil outside range of 5.0 – 7.0 pH shall be treated appropriately to correct for high alkalinity or acidity.
15. All beds to be treated with granular pre-emergent weed control per manufacturer's specifications.
16. Sodded and seeded areas shall be properly prepared, finish graded and hand rolled prior to sod placement or seeding. Seeded areas shall be re-seeded as necessary to provide an even stand of grass.
17. Provide a warranty on all work for a minimum of one year including one continuous growing season. Commence warranty on the date identified in the Certificate of Substantial Completion. Warranty to include coverage of plants from death or unhealthy conditions. Replacement plants shall be the same size and species as specified, planted in the next growing season with a new warranty commencing with the date of the replacement.
18. Maintain plant life immediately after placement and continue maintenance until termination of warranty. Maintenance to include weeding, applications of pesticides, watering, trimming and pruning, disease control, and maintenance of plant bracing equipment.
19. All required landscape material indicated on approved plan will be required through the life of the project and must be replaced if removed or dead.
20. Cost estimate (if required).

Appendix IV
Champion Tree List
Town of Bel Air
January 4, 2018

American Sycamore – *Platanus occidentalis*

Circumference – 202” Height – 108’ Spread – 109’
Owner – Michael E. Adams

Ash, White – *Fraxinus smericana*

Circumference – 156” Height – 110’ Spread – 66’
Onwer – Bel Air United Methodist Church

Beech, American – *Fagus grandifolia*

Circumference – 153” Height – 70’ Spread – 96’
Owner – Bel Air Lee Professional Building

Birch, Paper – *Betula papyrifera*

Circumference – 68” Height – 55’ Spread – 50’
Owner – William B. Miller

Caucasian Wingnut – *Pterocarya fraxinifolia*

Circumference – 115” Height – 94’ Spread – 68’
Owner – Harford County

Cedar, Eastern Red – *Juniperus virginiana*

Circumference – 114” Height – 66’ Spread – 66’
Owner – Bel Air United Methodist Church

Cherry, Black – *Prunus serotina*

Circumference – 153” Height – 102’ Spread – 81’
Owner – William T. Moore, Jr.

Cherry, Kwanzan – *Prunus serrulata* ‘Kwanzan’

Circumference – 103” Height – 36’ Spread – 48’
Owner – Lelia Carico

Cherry, Sweet (Bird) – *Prunus avium*

Circumference – 181” Height – 68’ Spread – 70’
Owner – Eugene A. Summers

Cherry, Weeping – *Prunus sub-hirtella* 'Pendula'
Circumference – 110" Height – 42' Spread – 54'
Owner – Charles Waters

Cedar, Japanese – *Cryptomeria Japonica*
Circumference – 48" Height – 49' Spread – 22'
Owner – Tybradan Investments, Inc.

Dawn Redwood – *Metasequoia glyptostroboides*
Circumference – 100" Height – 80' Spread – 48'
Owner – Timothy Smith

Elm, Chinese – *Ulmus parvifolia*
Circumference – 106" Height 70' Spread – 66'
Owner – Christopher Donato

Hickory, Mockernut – *Carya tomentosa*
Circumference – 88" Height – 124' Spread – 60'
Owner – Timothy Stielper

Hickory, Pignut – *Carya glabra*
Circumference – 70" Height – 85' Spread – 48'
Owner – Town of Bel Air

Holly, American – *Ilex opaca*
Circumference – 57" Height – 48' Spread – 32'
Owner – Shawn & Allison Rowland

Kentucky Coffee Tree – *Gymnocladus dioicus*
Circumference – 124" Height – 96' Spread – 63'
Owner – Robert F. Kahoe, Jr.

Larch, European – *Larix decidua*
Circumference – 114" Height – 92' Spread – 40'
Owner – Bel Air United Methodist Church

Linden, American (Basswood) – *Tilia americana*
Circumference – 166" Height – 107' Spread – 67'
Owner – Vernon J. Jones

Linden, European – *Tilia europaea*
Circumference – 134" Height – 95' Spread – 76'
Owner – Bel Air United Methodist Church

Linden, Little Leaf – *Tilia cordata*

Circumference – 171" Height – 98'

Owner – Eugene A. Summers

Spread – 58'

Magnolia, Umbrella – *Magnolia tripetala*

Circumference – 75" Height – 44'

Owner – William E. Hubbard, III

Spread – 28'

Maple, Boxelder – *Acer negundo*

Circumference – 106" Height – 70'

Owner – Bel Air United Methodist Church

Spread – 63'

Maple, Norway – *Acer platanoides*

Circumference – 153" Height – 71'

Owner --- 319 Maitland Street LLC

Spread – 60'

Maple, Silver – *Acer saccharinum*

Circumference – 212" Height – 104'

Owner – Jesse P. Lovelace

Spread – 103'

Oak, Bur – *Quercus macrocarpa*

Circumference – 70" Height – 56'

Owner – Bel Air United Methodist Church

Spread – 48'

Oak, Northern Red – *Quercus rubra*

Circumference – 148" Height – 112'

Owner – Town of Bel Air

Spread – 79'

Oak, Pin – *Quercus palustris*

Circumference – 116" Height – 85'

Owner – Harford Co. Public Library, Bel Air Branch

Spread – 74'

Oak, White – *Quercus alba*

Circumference – 208" Height – 100'

Owner – Town of Bel Air

Spread – 95'

Oak, Willow – *Quercus phellos*

Circumference – 111" Height – 80'

Owner – Tybradan Investments, Inc.

Spread – 70'

Osage Orange – *Maclura pomifera*

Circumference – 142" Height – 75'

Owner – Bel Air United Methodist Church

Spread – 76'

Pecan – *Carya illinoensis*
Circumference – 111” Height – 89’ Spread – 76’
Owner – Laura Bearsch

Persimmon – *Diospyros virginiana*
Circumference – 68” Height – 65’ Spread – 46’
Owner – Charles Robbins

Pine, Loblolly – *Pinus taeda*
Circumference – 70” Height – 75’ Spread – 39’
Owner – Timothy Smith

Pine, White – *Pinus strobus*
Circumference – 120” Height – 116’ Spread – 44’
Owner – Vernon J. Jones

Poplar, Yellow – *Liriodendron tulipifera*
Circumference – 162” Height – 112’ Spread – 65’
Owner – 725 N. Hickory Avenue LLC.

Sassafras – *Sassafras albidum*
Circumference – 115” Height – 85’ Spread – 42’
Owner – Bel Air United Methodist Church

Spruce, Blue – *Picea pungens ‘Glauca’*
Circumference – 54” Height – 44’ Spread – 26’
Owner – Vida Rector Lowe

Spruce, Norway – *Picea abies*
Circumference – 134” Height – 105’ Spread – 52’
Owner – William T. Moore, Jr.

Walnut, Black – *Juglans nigra*
Circumference – 126” Height – 90’ Spread – 75’
Owner – Bel Air United Methodist Church

Willow, Weeping – *Salix babylonica*
Circumference – 117” Height – 61’ Spread – 58’
Owner – Thomas & Josephine Murtaugh

Yellow Buckeye – *Aesculus octandra*
Circumference – 147” Height – 101’ Spread – 50’
Owner – Eastern Properties LLC.

Appendix V

Trees

Chapter 435

Town of Bel Air Code
11-23-1992 Ordinance 526

Chapter 435

TREES

- | | |
|--------------------------------------|---|
| § 435-1. Purpose. | § 435-5. Tree planting and maintenance. |
| § 435-2. Definitions and word usage. | § 435-6. Tree protection. |
| § 435-3. Applicability. | § 435-7. Enforcement. |
| § 435-4. Licensing and insurance. | |

[HISTORY: Adopted by the Board of Town Commissioners of the Town of Bel Air 11-23-1992 by Ord. No. 526 (Appendix H of the 1980 Code); amended in its entirety 4-16-2018 by Ord. No. 785-18. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Tree Committee — See Ch. 10, Art. VI.
Forest conservation — See Ch. 216.

Parks and recreation — See Ch. 334.
Property maintenance — See Ch. 364.

§ 435-1. Purpose.

- A. This chapter is provided to educate citizens of the requirements for successful public tree planting sites and to encourage individuals and groups to evaluate the need for roadside trees in and around the Town of Bel Air. Proper tree planting and maintenance helps to stabilize the urban tree canopy and promotes improved water quality through sediment and erosion control, energy savings through ground surface cooling and a diminished urban heat island effect, wildlife habitat, enhanced property values and the aesthetic benefits of park, street, and landscape trees. With the guidance of the Town Tree Committee, this chapter is intended to solicit the cooperation and assistance of the residents of the Town in the planting and maintenance of trees on public and private grounds for the purpose of increasing the urban tree canopy. It is, therefore, the purpose of this chapter to promote and protect the beauty, public health, safety and general welfare of the Town by providing for the regulation of the planting, maintenance and removal of public trees within parks and rights-of-way in the Town of Bel Air, Maryland.
- B. The Town does not regulate the planting, maintenance or removal of trees on private property unless subject to § 435-5G of this chapter or protection under forest conservation as defined in Chapter 216 of the Town Code. However, any pruning, treating, or removing of trees on private property for compensation must be performed by a licensed tree expert as required in § 435-4A of this chapter.

§ 435-2. Definitions and word usage.

For the purpose of this chapter the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural. The word "shall" is mandatory and not merely directory.

CRITICAL ROOT ZONE (CRZ) — A circular region measured outward from a tree trunk representing the area of the roots that must be maintained or protected for the tree's survival. CRZ radius (feet) = trunk diameter (inch).

LICENSED TREE EXPERT — A person who has received from the Department of Natural Resources a license displaying the person's qualifications to practice as a tree expert.

PARK — Includes all public parks located in the Town of Bel Air, Maryland.

PARK TREES — Herein defined as trees in public parks and lands to which the public has free access as a park, plus all facilities, parking lots, open spaces and other areas owned by the Town, county or state.

PERSON — Any individual, firm, partnership, association, corporation, company, or organization of any kind.

PROPERTY LINE — The outer edge of the right-of-way associated with any street, lane or highway.

PUBLIC AREAS — Includes all grounds owned by the Town of Bel Air, Harford County and/or the State of Maryland.

PUBLIC TREES — Include all trees now or hereafter growing within any street right-of-way (street tree) or any public areas where otherwise indicated.

STREET — The entire width of every public way or right-of-way when any part thereof is open to use by the public, as a matter of right, and for purposes of vehicular and pedestrian traffic.

STREET TREE — Any part of the main stem of a tree on land lying between property lines on either side of all streets, avenues, lanes, easements or ways within the Town.

TREE CARE —

- A. Removal or planting of a tree;
- B. Maintenance to trim, shape, or sever the stem, branches or roots of a tree;
- C. Treatment to protect a tree from insects or disease or to improve the growth of a tree with direct application of fertilizers; or
- D. Any other treatment that may affect the health or growth of a tree.

TREE SIZE —

- A. Large trees — Those attaining a height of more than 40 feet.
- B. Medium trees — Those attaining a height of 30 feet to 40 feet.
- C. Small trees — Those attaining a height of 10 feet to 30 feet.

URBAN TREE CANOPY (UTC) — The layer of woody material from trees (leaves, branches, stems) that cover the ground when viewed from above.

§ 435-3. Applicability.

- A. This chapter provides full power and authority to the Town over all trees and shrubs located within street rights-of-way, parks and public places of the Town.
- B. It shall be the responsibility of the Departments of Public Works and Planning and Community Development and the Town Tree Committee to implement, administrate, and execute the requirements of this chapter in a consistent manner with the Natural Resources Roadside Trees Article, §§ 5-401 through 5-406 of the Annotated Code of Maryland and its accompanying Tree Experts Article §§ 5-415 through 5-422 regulations under Title 8, Subtitle 7, Chapter 2, Sections 1 to 10.
- C. The Director of Planning and Community Development and the Director of Public Works may use appropriate Planning and Community Development or Public Works Department personnel or their designated agents in the implementation of this chapter.
- D. Authority to implement § 435-5B of this chapter is granted through the issuance of an annual blanket roadside tree permit issued to public agencies by the Maryland Department of Natural Resources Forest Service. Tree care permitted includes tree removal, tree pruning and tree planting under supervision by the Maryland Department of Natural Resources for the purpose of eliminating hazard to property, public safety or health.

§ 435-4. Licensing and insurance.

- A. Tree experts. No person or firm shall engage in the business or occupation of pruning, treating, or removing street or park trees or trees on private property within the Town without having a valid tree expert license issued by the Maryland Department of Natural Resources as well as proof of liability and property damage insurance consistent with State of Maryland requirements. A license shall not be required of any Town employee performing such work, provided that the employee is supervised by a Department of Natural Resources Forestry Division Forester or a certified tree care expert on the Town's staff. However, all permits required by the Maryland Department of Natural Resources shall be obtained prior to performing such work.
- B. Insurance. As stated in § 5-418(b) of the Annotated Code, every licensee shall carry and show proof of liability insurance and property damage insurance, in the form and amount required by the Department of Natural Resources at the time it issues the license. The licensee shall maintain the insurance protection for the period the license is in effect.

§ 435-5. Tree planting and maintenance.

The Town shall have the right to plant, prune, maintain and remove trees within the right-of-way of all streets and in parks and other public places as necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds. The Town, upon recommendation by the Tree Committee, may remove or cause or order to be removed any tree or part thereof on public property which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, waterlines, or other public improvements or is infected with any injurious fungus, insect or other pest. Tree removal,

planting and maintenance associated with approved development plans is subject to Chapter 165, Article VIII of the Bel Air Town Code. The Town of Bel Air Landscape Manual includes information on forest conservation, tree delineation, landscape plan standards, and general landscape practices.

- A. Tree planting and maintenance shall follow ANSI A-300 standards.
- B. Street tree planting location standards.
 - (1) To ensure compliance with Maryland Roadside Tree Regulations, Section .09, the Tree Committee will utilize the DNR Forest Service Recommended Tree List, as revised, as the official list of permissible street tree species for the Town of Bel Air.
 - (2) Street trees shall be spaced so that they are no closer than 20 feet to any other street tree, unless otherwise approved by the Town Tree Committee. The minimum distance trees may be planted from any curb or sidewalk is two feet in order to allow a minimum four-foot-wide growing space. Any proposed planting areas that do not meet the minimum four-foot-wide requirement may be utilized for the purpose of planting trees upon review and approval of proposed spacing and species selection by the Committee.
 - (3) No trees shall be planted along streets that do not have curbing without prior approval and guidance of the Director of Public Works.
 - (4) No street tree shall be planted closer than 35 feet to any street corner, measured from the point of nearest intersecting curbs or curb lines. No street tree shall be planted closer than 20 feet to any fire hydrant or 10 feet to any streetlight.
 - (5) No street tree will be planted in a planting strip less than four feet in width and four feet in length.
 - (6) No street trees shall be planted that may intrude upon or interfere with any overhead utility wire or any underground waterline, sewer line, transmission line or other utility.
- C. Roadside tree removal and replacement of healthy trees.
 - (1) To address requests for tree removal when the tree is not diseased, dying or otherwise injured, the Town and the Maryland Department of Natural Resources, Forest Service, developed a policy document that permits affected residents the opportunity to enter into a contract to have a tree removed and replaced.
 - (2) The following conditions apply for any property owner requesting removal of an otherwise healthy roadside tree:
 - (a) All costs associated with removal and replacement of trees will be paid by the individual. Replacement costs are paid directly to the Town.
 - (b) All requests are subject to review by the Town Tree Committee and the Forest Service. Any decisions made by either reviewing agency are final. Any appeal is subject to the appeal process as defined in the State Roadside Tree Law.

- (c) For each tree removed, one tree will be replaced in the same or similar location.
- (d) The roadside tree permit will be issued by the Forest Service directly to the resident after the Town has received the following:
 - [1] Tree replacement funds.
 - [2] Contractor information.
- (3) Should a tree be found to be hazardous as determined by the Forest Service, tree removal and replacement costs will be the responsibility of the Town of Bel Air.
- D. Cost. The cost of planting and maintaining trees within public rights-of-way and/or acquired easements shall be financed by the Town of Bel Air except as indicated in § 435-5B of this chapter.
- E. Easements. The Town Tree Committee shall have the right to receive, from property owners, rights to plant and maintain trees on the private property of such property owners within 10 feet of the boundary of a public area. Such easements shall be in writing, executed and acknowledged by such property owners, and shall be recorded and registered. Such easements, when obtained, shall then thereafter be public areas insofar as the trees situated thereon are concerned and shall be replaced and maintained by the Town in the same manner as other trees in public areas. The Commission shall have no power to take or condemn any such easement. Such easements shall be, insofar as possible, uniform.
- F. Removal of stumps. All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.
- G. Diseased, dying or nuisance trees on private property. The Town may require the removal of any hazardous trees or branches on private property within the Town when such trees or branches constitute a safety hazard to vehicle and/or pedestrian traffic in the Town right-of-way, hazard of life and/or property, or harbor insects or disease which constitutes a potential threat to other trees within the Town. The Town will notify the owners of such trees in writing. Removal or pruning shall be done by said owners at their own expense within 45 days of the date of notice. The removal or pruning should be supervised by a certified tree care expert on the Town's staff or performed by a licensed tree expert. In the event of failure of the owners to comply with such notice, the Town will remove or prune the subject trees and charge the cost of service to the property owner. Said cost may be a lien on the property upon which tree is located and may be collected in the same manner as the collection of delinquent taxes.
- H. Topping. The practice of topping trees is discouraged. No person or firm engaged in the business or occupation of pruning, treating or removing trees should engage in the practice of tree topping within the Town except as provided for in cases where a tree has been severely damaged by storms or other causes or when a tree creates a dangerous condition relating to utility wires or other obstructions.

§ 435-6. Tree protection.

No land disturbance within the critical root zone of a public tree is permitted unless adequate tree protection measures as noted in ANSI A300 Part 5: Tree, Shrub, and Other Woody Plant Maintenance – Standard Practices (Management of Trees and Shrubs During Site Planning, Site Development, and Construction) are installed. Construction other than public road and sidewalk repair within the critical root zone shall be subject to approved construction practices that promote and sustain root growth.

§ 435-7. Enforcement.

- A. Prohibited acts. In the case of trees located in the public right-of-way, it shall be unlawful for any person to:
- (1) Prevent, delay, or interfere with the Tree Committee, Department of Public Works and/or Department of Planning and Community Development, or any of its agents, while engaging in and about the planting, replanting, cultivating, mulching, pruning, spraying or removing of any street tree, park tree or tree on private property, as authorized in this chapter.
 - (2) Cut, break, climb with spikes, disturb the roots, or otherwise injure or destroy trees, or to authorize such actions.
 - (3) Cause or authorize a privately owned wire or other conductor charged with electricity to come into contact with any tree in a manner that may injure or kill it.
 - (4) Cause or authorize any oil, gasoline, herbicide, paint, brine, hot water, steam or other gas, liquid, or solid substances deleterious to the tree to contact any tree or to enter the soil about the base or root systems of a tree in any manner that may injure or kill it.
 - (5) Supervise or authorize construction, alterations, repair or demolition activities in the vicinity of any tree without first placing sufficient guards or protectors as shall prevent injury or destruction of said tree arising out of such activities.
 - (6) Fasten any rope, wire, electric attachment, sign or other devices to a tree or to any guard about such tree, with the exception of holiday or ornamental lighting.
 - (7) Remove or tamper with any object or device set for the protection or treatment of any tree.
 - (8) Pile any building material or make any mortar or cement within six feet of a tree.
 - (9) Have a fire within 10 feet of a tree.
 - (10) Hitch or fasten any animal or vehicle to any tree.
- B. Violations and penalties. Any violation of this chapter is declared to be a municipal infraction. The penalty for violations shall be as provided in Chapter 1, Article II of this Code.

- C. Appeals. Any aggrieved party may appeal an unfavorable decision to the Board of Town Commissioners within 10 working days after receipt of the Committee's or any Department's decision. After its review, the Board of Town Commissioners may affirm, reverse or modify the decision by resolution within a sixty-day period from the date of the appeal. The decision of the Board of Town Commissioners shall be final.

Appendix VI

Forest Conservation

Chapter 216

Town of Bel Air Code

11-2-2009 Ordinance 727-09

Chapter 216

FOREST CONSERVATION

ARTICLE I General Provisions

§ 216-1. Purpose.

ARTICLE II Definitions

§ 216-2. Definitions.

ARTICLE III Applicability; Declaration of Intent

§ 216-3. Applicability.

§ 216-4. Exemptions.

§ 216-5. Declaration of intent.

ARTICLE IV General Requirements

§ 216-6. Requirements for application.

§ 216-7. Requirements for regulated activities.

ARTICLE V Forest Stand Delineation

§ 216-8. When required; criteria for review; approval.

ARTICLE VI Forest Conservation Plan

§ 216-9. General provisions.

§ 216-10. Preliminary forest conservation plan.

§ 216-11. Final forest conservation plan.

ARTICLE VII Afforestation and Retention

§ 216-12. Afforestation requirement.

§ 216-13. Retention.

ARTICLE VIII Reforestation

§ 216-14. Forest conservation threshold.

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**ARTICLE XVIII
Amendments**

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§ 216-26. Amendments as required and
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§ 216-23. Violations and penalties.

[HISTORY: Adopted by the Board of Town Commissioners of the Town of Bel Air 11-2-2009 by Ord. No. 727-09.¹ (Appendix I of the 1980 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Trees — See Ch. 435.

**ARTICLE I
General Provisions**

§ 216-1. Purpose.

The Bel Air Board of Town Commissioners has determined that to meet the requirements of Natural Resources Article, § 5-1601 through 5-1612, Annotated Code of Maryland, the provisions of this chapter be enacted.

**ARTICLE II
Definitions**

§ 216-2. Definitions.

In this chapter, the following terms have the meanings indicated.

1. Editor's Note: This ordinance also repealed former Ch. 216, Forest Conservation, adopted 1-11-1993 by Ord. No. 529 (Appendix I of the 1980 Code), as amended.

AFFORESTATION —

- A. Establishment of a forest or an area from which forest cover has been absent for a long period of time in accordance with an approved landscape plan;
- B. Planting of open areas which are not presently in forest cover in accordance with an approved landscape plan; or
- C. Establishment of a forest in accordance with an approved landscape plan according to procedures set forth in the Conservation Technical Manual.

APPLICANT — A person who is applying for subdivision or project plan approval or grading or sediment control permit, or who has received approval of a forest stand delineation or forest conservation plan.

APPROVED FOREST MANAGEMENT PLAN —

- A. A document approved by the Department of Natural Resources forester assigned to the Town of Bel Air; and
- B. Which operates as a protective agreement for forest conservation as described in the Natural Resources Article, § 5-1607(e) through (f), Annotated Code of Maryland.

CALIPER — The diameter measured at two inches above the root collar.

CHAMPION TREE — The largest tree of its species within the United States, the state or county.

CHAMPION TREE OF THE STATE — A tree which appears in the State Forest Conservation Manual list of state champion trees.

COMMERCIAL AND INDUSTRIAL AREAS — Areas zoned for manufacturing operations, office complexes, shopping centers and other similar uses and their associated storage areas, yarding, and parking areas, and corresponding to the Town of Bel Air Zoning Classifications B-1, B-2, B-3 and M-1.

CRITICAL HABITAT AREA — A critical habitat for an endangered species and its surrounding protection areas. A critical habitat area shall:

- A. Be likely to contribute to the long-term survival of the species;
- B. Be likely to be occupied by the species for the foreseeable future;
- C. Constitute habitat of the species which is considered critical under Natural Resources Article, §§ 4-2A-04 and 10-2A-06, Annotated Code of Maryland.

CRITICAL HABITAT FOR ENDANGERED SPECIES — A habitat occupied by an endangered species as determined or listed under Natural Resources Article, §§ 4-2A-04 and 10-2A-04, Annotated Code of Maryland.

DECLARATION OF INTENT —

- A. A signed and notarized statement by a landowner or the authorized landowner's agent certifying that the activity on the landowner's property.
- (1) Is for certain activities exempted under this chapter or Natural Resources Article, §§ 5-103 and 5-1601 through 5-1612, Annotated Code of Maryland;
 - (2) Does not circumvent the requirements of this chapter or Natural Resources Article, §§ 5-103 and 5-1601 through 5-1612, Annotated Code of Maryland, and
 - (3) Does not conflict with the purposes of any other declaration of intent; and
- B. The document required under COMAR 08.19.01.05.

DEPARTMENT — The Planning and/or Public Works Department charged with implementing the local forest conservation program.

DEVELOPMENT PROJECT —

- A. Grading or construction activities occurring on a specific tract that is 40,000 square feet or greater.
- B. Includes redevelopment.

DEVELOPMENT PROJECT COMPLETION — For the purpose of afforestation, reforestation or payment into a fund:

- A. The release of the development bond, if required;
- B. Acceptance of the project's streets, utilities, and public services by the Department; or
- C. Designation by the Department or state that a:
- (1) Development project has been completed; or
 - (2) Particular stage of a staged development project, including a planned unit development, has been completed.

FOREST —

- A. A biological community dominated by trees and other woody plants covering a land area of 10,000 square feet or greater.
- B. "Forest" includes:
- (1) Areas that have at least 100 live trees per acre with at least 50% of those trees having a two-inch-or-greater diameter at 4.5 feet above the ground and larger; and
 - (2) Areas that have been cut but not cleared.
- C. "Forest" does not include orchards.

FOREST CONSERVANCY DISTRICT BOARD — The forestry board created for each state forestry conservancy district under Natural Resources Article, §§ 5-601 through 5-610, Annotated Code of Maryland.

FOREST CONSERVATION — The retention of existing forest or the creation of new forest at the levels set by the state or Department.

FOREST CONSERVATION AND MANAGEMENT AGREEMENT — An agreement as stated in the Tax-Property Article, § 8-211, Annotated Code of Maryland.

FOREST CONSERVATION PLAN — A plan approved pursuant to Natural Resources Article, §§ 5-1606 and 5-1607, Annotated Code of Maryland.

FOREST CONSERVATION TECHNICAL MANUAL — The technical manual incorporated by reference, used to establish standards of performance required in preparing forest stand delineations and forest conservation plans.

FOREST COVER — The area of a site meeting the definition of forest.

FOREST MANAGEMENT PLAN — A plan establishing best conservation and management practices for a landowner in assessment of the resource values of forested property.

FOREST STAND DELINEATION — The methodology for evaluating the existing vegetation on a site proposed for development, as provided in the Forest Conservation Technical Manual.

GROWING SEASON — The period of consecutive frost-free days as stated in the current soil survey for this county published by the National Cooperative Soil Survey Program, 16 U.S.C. § 590 (a) – (f).

INTERMITTENT STREAM — A stream in which surface water is absent during a part of the year as shown on the most recent 7.5 minute topographic quadrangle published by the United States Geologic Survey as confirmed by field verification.

LANDSCAPE PLAN —

- A. A plan drawn to scale, showing dimensions and details for:
 - (1) Reforesting an area at least 35 feet wide and covering 2,500 square feet or greater in size as part of a forest conservation plan; or
 - (2) Replacing unique specimen trees (10 inches in caliper or greater) on a 2:1 to 5:1 ratio as required on parcels of less than 40,000 square feet.
- B. Using native or indigenous plants when appropriate; and
- C. Which is made part of an approved forest conservation plan or as a requirement for individual tree replacement on site.

LOCAL AGENCY — Each unit in the executive, legislative or judicial branch of a county or municipal government, including an office or department of public works.

LOT — A unit of land, the boundaries of which have been established as a result of a deed or previous subdivision of a larger parcel, and which will not be the subject of further subdivision, as defined by Natural Resources Article § 5-1601, Annotated Code of Maryland and this chapter without an approved forest stand delineation and forest conservation plan.

MAINTENANCE AGREEMENT — The short-term management agreement associated with afforestation or reforestation plans required under Natural Resources Article, § 5-1605, Annotated Code of Maryland and this chapter.

NATURAL REGENERATION — The natural establishment of trees and other vegetation with at least 400 woody, free-to-grow seedlings per acre, which are capable of reaching a height of at least 20 feet at maturity.

NET TRACT AREA — The total area of a site, including both forested and nonforested areas, to the nearest 1/10 acre, reduced by the area found to be within the boundaries of the one-hundred-year floodplain.

NONTIDAL WETLANDS —

A. An area that is:

- (1) Inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation; and
- (2) Considered a nontidal wetland in accordance with the publication known as the "Federal Manual for Identifying and Delineating Jurisdictional Wetlands," published in 1989 and as may be amended and interpreted by the U. S. Environmental Protection Agency.

OFF SITE — Outside of the limits of the area encompassed by the tract.

ONE-HUNDRED-YEAR FLOOD — A flood which has a one-percent chance of being equaled or exceeded in any given year. Except for Class III waters (natural trout streams), a body of water with a watershed less than 400 acres is excluded.

ONE-HUNDRED-YEAR FLOODPLAIN — An area along or adjacent to a stream or body of water that is capable of storing or conveying floodwaters during a one-hundred-year frequency storm event, or a one-hundred-year flood.

ON SITE — Within the limits of the area encompassed by the tract, including an area classified as a one-hundred-year floodplain.

PERENNIAL STREAM — A stream containing surface water throughout an average rainfall year, as shown on the most recent 7.5 minute topographic quadrangle published by the United State Geologic Survey, and confirmed by field verification.

PERSON — The federal government, the state, a county or municipal corporation, or other political subdivision of the state, or any of their units, or an individual, receiver, trustee, guardian, executor, administrator, fiduciary, or representative of any kind, or any partnership, firm, association, public or private corporation, or any of their affiliates, or any other entity.

PUBLIC UTILITY — Any:

- A. Transmission line or electric generating station; or
- B. Water, sewer, electric, gas, telephone, and television cable service line.

REFORESTATION or REFORESTED —**A. The:**

- (1) Creation of a biological community dominated by trees and other woody plants containing at least 100 live trees per acre with at least 50% of those trees having the potential of attaining a two-inch-or-greater diameter measured at 4.5 feet above the ground, within seven years; or
 - (2) Establishment of a forest according to procedures set forth in the Forest Conservation Technical Manual.
- B. Includes landscaping of areas under an approved landscaping plan establishing a forest at least 35 feet wide and covering 2,500 square feet or more of area.

REGULATED ACTIVITY — Any of the following activities when that activity occurs on a unit of land which is 40,000 square feet or greater:

- A. Subdivision;
- B. Cutting, clearing or grading;
- C. An activity that requires a sediment control permit; or
- D. Project plan of a local agency.

RESIDENTIAL AREAS — Areas zoned for low density/medium density/high density residential and residential/office development, including both existing and planned development and their associated infrastructure, such as roads, utilities, and water and sewer service, and corresponding to the Town of Bel Air Zoning Classifications R-1, R-2, R-3 and R-O.

RETENTION — The deliberate holding and protecting of existing trees, shrubs or plants on the site according to established standards as provided in the Forest Conservation Technical Manual.

SEDIMENT CONTROL PERMIT — The authorization of an activity regulated under a sediment control plan as provided in the Environmental Article, Title 4, Annotated Code of Maryland.

SEEDLINGS — An unbranched woody plant, less than 24 inches in height and having a diameter of less than 1/2 inch measured at two inches above the root collar.

SELECTIVE CLEARING — The careful and planned removal of trees, shrubs, and plants using specific standards and protection measures under an approved forest conservation plan.

SITE PLAN — A plan, to scale, showing uses and structures proposed for a parcel of land as required by this chapter. It includes lot lines, streets, building sites, reserved open space, buildings, major landscape features, both natural and man-made, and existing and proposed utility lines.

STREAM BUFFER — All lands lying within 50 feet measured from the top of each normal bank of a perennial or intermittent stream.

SUBDIVISION — Any division of a unit of land into two or more lots or parcels for the purpose, whether immediate or future, of transfer of ownership, sale, lease, or development.

TRACT — Property or unit of land subject to an application for a grading or sediment control permit, subdivision approval, project plan approval, or areas subject to this subtitle.

TREE — A large, branched woody plant having one or several self-supporting stems or trunks that reach a height of at least 20 feet at maturity.

VARIANCE —

- A. Relief from Natural Resources Article, §§ 5-1601 through 5-1612, Annotated Code of Maryland or this chapter.
- B. Does not mean a zoning variance.

WATERSHED — All land lying within an area described as a subbasin in water quality regulations adopted by the Department of the Environment under COMAR 26.08.02.08.

WHIP — An unbranched woody plant greater than 24 inches in height and having a diameter of less than one inch measured at two inches above the root collar.

ARTICLE III

Applicability; Declaration of Intent

§ 216-3. Applicability.

Except as provided in § 216-4 of this article, this chapter applies to:

- A. A person making application for a subdivision, project plan, grading, or sediment control approval on units of land 40,000 square feet or greater after the effective date of this chapter.
- B. A public utility not exempt under § 216-4C and D of this article.
- C. A unit of county or municipal government, including a public utility or public works project, making application for a subdivision, project plan, grading, or sediment control approval on areas 40,000 square feet or greater.

§ 216-4. Exemptions.

This chapter does not apply to:

- A. Highway construction activities under Natural Resources Article, § 5-103, Annotated Code of Maryland.
- B. Areas governed by the Chesapeake Bay Critical Area Protection Law, Natural Resources Article, §§ 8-1801 through 8-1816, Annotated Code of Maryland.
- C. The cutting or clearing of public utility rights-of-way licensed under Article 78, §§ 54A and 54B or § 54-I, Annotated Code of Maryland or land for electric generating stations licensed under Article 78, §§ 54A and 54B or § 54-I, Annotated Code of Maryland if:
 - (1) Required certificates of public convenience and necessity have been issued in accordance with Natural Resources Article, § 5-1603(f), Annotated Code of Maryland; and
 - (2) Cutting or clearing of the forest is conducted to minimize the loss of forest.
- D. Routine maintenance or emergency repairs of public utility rights-of-way licensed under Article 78, §§ 54A and 54B or § 54-I, Annotated Code of Maryland.
- E. Except for a public utility subject to § 216-4F of this article, routine maintenance or emergency repairs of a public utility right-of-way if:
 - (1) The right-of-way existed before the effective date of this chapter; or
 - (2) The right-of-way's initial construction was approved under this chapter.
- F. Residential construction activity that is conducted on an existing single residential lot of any size if the activity:
 - (1) Does not involve a request to subdivide the lot;
 - (2) Does not result in the cumulative cutting, clearing, or grading of more than 20,000 square feet of forest;
 - (3) Does not result in the cutting, clearing, or grading of a forest that is subject to the requirements of a previous forest conservation plan approved under this chapter; and
 - (4) Is the subject of a declaration of intent filed with the Department, as provided for in § 216-5 of this article, stating that the lot will not be the subject of a regulated activity within five years of the cutting, clearing, or grading of forest.
- G. An activity required for the purpose of constructing a dwelling house intended for the use of the owner, or a child or a grandchild of the owner, if the activity:
 - (1) Does not result in the cutting, clearing, or grading of more than 20,000 square feet of forest; and
 - (2) Is the subject of a declaration of intent filed with the Department, as provided for in § 216-5 of this article, which states that transfer of ownership may result in a loss of exemption.

- H. A preliminary plan of subdivision or a grading or sediment control plan approved before July 1, 1992.
- I. A real estate transfer to provide a security, leasehold, or other legal or equitable interest, including a transfer of title, or a portion of a lot or parcel, if:
 - (1) The transfer does not involve a change in land use, or other legal development or redevelopment with associated land disturbing activities; and
 - (2) Both the grantor and grantee file a declaration of intent, as provided for in § 216-5 of this article.
- J. Previously developed or improved areas absent of tree cover undergoing redevelopment. Generally these are areas of existing impervious surface. [Added 9-2-2014 by Ord. No. 768-14]

§ 216-5. Declaration of intent.

- A. The purpose of the declaration of intent is to verify that the proposed activity is exempt under Natural Resources Article, §§ 5-103 and 5-1601 through 5-1612, Annotated Code of Maryland and this chapter.
- B. A person seeking an exemption under § 216-4 F, G and I of this article shall file a declaration of intent with the Department.
- C. The existence of a declaration of intent does not preclude:
 - (1) An exempted activity on the property subject to a declaration of intent; and
 - (a) Does not conflict with the purpose of any existing declaration of intent; and
 - (b) Complies with the applicable requirements for an exempted activity;
 - (2) A regulated activity on the area covered by the declaration of intent, if the activity occurs within five years of the effective date of the declaration of intent, in which case:
 - (a) There shall be an immediate loss of exemption; or
 - (b) There may be a noncompliance action taken by the Department, as appropriate, under this chapter; or
 - (3) A regulated activity on that area of the property not covered under the declaration of intent if the requirements of this chapter are satisfied.
- D. The Department may require a person failing to file a declaration of intent or found in noncompliance with a declaration of intent to:
 - (1) Meet the retention, afforestation and reforestation requirements established in Articles III through XIII of this chapter;

- (2) Pay a noncompliance fee of \$0.30 per square foot of forest cut or cleared under the declaration of intent;

- (3) Be subject to other enforcement actions appropriate under Natural Resources Article, §§ 5-1601 through 5-1612, Annotated Code of Maryland and this chapter; or
- E. In its determination of appropriate enforcement action, the Department may consider whether failure to file a declaration of intent by a person required to file is a knowing violation of this chapter.
- F. The declaration of intent is effective for five years.

ARTICLE IV General Requirements

§ 216-6. Requirements for application.

A person making application after the effective date of this chapter, for subdivision or local agency project plan approval, a grading permit, or a sediment control permit for an area of land of 40,000 square feet or greater shall:

- A. Submit to the Department a forest stand delineation and a forest conservation plan for the lot or parcel on which the development is located; and
- B. Use methods approved by the Department, as provided in the Forest Conservation Technical Manual, to protect retained forests and trees during construction.

§ 216-7. Requirements for regulated activities.

If a local agency or person using state funds makes application to conduct a regulated activity, the provisions of COMAR 08.19.04.01D – G apply.

ARTICLE V Forest Stand Delineation

§ 216-8. When required; criteria for review; approval.

- A. A forest stand delineation shall be submitted at the initial stages of subdivision or project plan approval, before a grading permit application, or before a sediment control application is submitted for the tract being developed.
- B. The delineation shall be prepared by a licensed forester, licensed landscape architect, or a qualified professional who meets the requirements stated in COMAR 08.19.06.01B.
- C. The delineation shall be used during the preliminary review process to determine the most suitable and practical areas for forest conservation and shall contain the following components:
- (1) A topographic map delineating intermittent and perennial streams, and steep slopes over 20%;

- (2) A soils map delineating soils with structural limitations, hydric soils, or soils with a soil K value greater than 0.35 on slopes of 15% or more;
 - (3) Forest stand maps indicating species, location, and size of trees and showing dominant and co-dominant forest types;
 - (4) Location of one-hundred-year floodplain;
 - (5) Information required by the Forest Conservation Technical Manual; and
 - (6) Other information the Department determines is necessary to implement this chapter.
- D. If approved by the Department, a simplified delineation may be submitted for an area that meets the minimum forest conservation threshold as determined in Article VIII, § 216-14 of this chapter when less than 40,000 square feet of forest cover is disturbed during a construction activity and the area is designated to be under a long-term protective agreement.
- E. The Department shall consider a simplified forest stand delineation complete if it includes:
- (1) All requirements under Article V, § 216-8C(1), (2), (4) and (5) of this chapter;
 - (2) A map showing existing forest cover as verified by field inspection; and
 - (3) Other information required by this chapter.
- F. An approved forest stand delineation may remain in effect for a period not longer than five years.
- G. Department forest stand delineation approval.
- (1) Within 30 calendar days after receipt of the forest stand delineation, the Department shall notify the applicant whether the forest stand delineation is approved or list deficiencies.
 - (2) If the Department fails to notify the applicant within 30 days of deficiencies of the forest stand delineation, the delineation shall be treated as approved.
 - (3) Resubmission of the forest stand delineation will be required to correct any list of deficiencies. The forest stand delineation will not be approved until all listed deficiencies have been corrected to the satisfaction of the Department.

ARTICLE VI Forest Conservation Plan

§ 216-9. General provisions.

- A. In developing a forest conservation plan, the applicant shall give priority to techniques for retaining existing forest on the site.

- B. If existing forest on the site subject to a forest conservation plan cannot be retained, the applicant shall demonstrate the satisfaction of the Department;
- (1) How techniques for forest retention have been exhausted;
 - (2) Why the priority forests and priority areas specified in Natural Resources Article, § 5-1607(C), Annotated Code of Maryland, cannot be left in an undisturbed condition;
 - (a) If priority forests and priority areas cannot be left undisturbed, how the sequence for afforestation or reforestation will be followed in compliance with Natural Resources Article § 5-1607, Annotated Code of Maryland; and
 - (b) Where on the site in priority areas afforestation or reforestation will occur in compliance with Natural Resources Article § 5-1607, Annotated Code of Maryland.
 - (3) How the disturbance to the priority forests and priority areas specified in Natural Resources Article § 5-1607(c)(2), Annotated Code of Maryland qualifies for a variance.
- C. The applicant shall demonstrate to the satisfaction of the Department that the requirements for afforestation or reforestation on site or off site cannot be reasonably accomplished if the applicant proposes to make a payment into the local forest conservation fund instead of afforestation or reforestation.
- D. Nontidal wetlands. A regulated activity under the local program is subject to the following requirements:
- (1) For the purposes of delineation, permitting, and mitigation, areas determined to be nontidal wetlands under COMAR 08.05.04 shall be regulated under COMAR 08.05.04 or this chapter, whichever is more stringent.
 - (2) For the purpose of calculating reforestation mitigation under this chapter, a forested nontidal wetland permitted to be cut or cleared and required to be mitigated under COMAR 08.05.04 shall be shown on the forest conservation plan and subtracted on an acre-for-acre basis from the total amount of forest to be cut or cleared as part of a regulated activity.
 - (3) Nontidal wetlands shall be considered to be priority areas for retention and replacement.
 - (4) Forested nontidal wetland identification and delineation should be included at the earliest stage of planning to assist the applicant in avoidance and reduction of impacts to the nontidal wetlands and to avoid delay in the approval process.

§ 216-10. Preliminary forest conservation plan.

- A. A preliminary forest conservation plan shall be prepared by a licensed forester, a licensed landscape architect, or a qualified professional who meets the requirements stated in COMAR 08.19.06.

B. A preliminary forest conservation plan shall:

- (1) Be submitted with the preliminary plan of subdivision or proposed project plan;
- (2) Include the approved forest stand delineation for the site;
- (3) Include a table that lists the proposed values of the following, in square feet:
 - (a) Net tract area;
 - (b) Area of forest conservation required; and
 - (c) Area of forest conservation that the applicant proposed to provide including both on site and off site areas;
- (4) Include a clear graphic indication of the forest conservation provided on the site drawn to scale, showing areas where retention of existing forest or afforestation or reforestation is proposed;
- (5) Include an explanation of how the provisions of § 216-9 of this article have been met;
- (6) In the case of afforestation or reforestation, include a proposed afforestation or reforestation plan;
- (7) Include a proposed construction timetable showing the sequence of forest conservation procedures;
- (8) Show the proposed limits of disturbance;
- (9) Show proposed stockpile areas;
- (10) Incorporate a proposed two-year maintenance agreement that shows how areas designated for afforestation or reforestation will be maintained to ensure protection and satisfactory establishment;
- (11) Include information required in the Forest Conservation Technical Manual; and
- (12) Include other information the Department determines is necessary to implement this chapter.

C. A simplified preliminary forest conservation plan may be submitted for an area if a simplified forest stand delineation has been submitted and approved by the Department under Article V, § 216-8D of this chapter.**D. A simplified preliminary forest conservation plan shall:**

- (1) Be submitted with the preliminary plan of subdivision or proposed project plan;
- (2) Include the approved forest stand delineation for the site;
- (3) Include a clear graphic indication of the forest conservation provided on the site drawn to scale, showing:

- (a) Areas where retention of existing forest is proposed;
 - (b) Proposed limits of disturbance;
 - (c) All trees 10 inches in caliper and greater within the limits of disturbance, labeled by size and species; and
 - (d) Proposed stockpile areas of grading or other material.
- (4) Include a table that lists the proposed values of the following, in square feet:
- (a) Net tract area;
 - (b) Area of forest conservation required as defined in Article 8, § 216-14B of this chapter; and
 - (c) Area of forest conservation the applicant proposed to provide.
- (5) Other information the Department determines is necessary to implement this chapter.
- E. The review of the preliminary forest conservation plan shall be concurrent with the review of the preliminary site plan.
- F. During the different stages of the review process, the preliminary forest conservation plan may be modified.

§ 216-11. Final forest conservation plan.

- A. A final forest conservation plan shall be prepared by a licensed forester, a licensed landscape architect, or a qualified professional who meets the requirements stated in COMAR 08.91.06.01B.
- B. A final forest conservation plan shall:
- (1) Be submitted with the following:
 - (a) A final subdivision plan;
 - (b) A final project plan;
 - (c) An application for a grading permit; or
 - (d) An application for a sediment control permit;
 - (2) Show proposed locations and types of protective devices to be used during construction activities to protect trees and forests designated for conservation;
 - (3) In the case of afforestation or reforestation, include an afforestation or reforestation plan, with a timetable and description of needed site and soil preparation, species, size, and spacing to be used;

- (4) Incorporate a binding two-year maintenance agreement specified in COMAR 08.19.05.01 that details how the areas designated for afforestation or reforestation will be maintained to ensure protection and satisfactory establishment, including:
 - (a) Watering; and
 - (b) A reinforcement planting provision if survival rates fall below required standards, as provided in the Forest Conservation Technical Manual;
 - (5) Incorporate a long-term binding protection agreement as specified in COMAR 08.19.05.02 that:
 - (a) Provides protection for areas of forest conservation, including areas of afforestation, reforestation, and retention; and
 - (b) Limits uses in areas of forest conservation to those uses that are designated and consistent with forest conservation, including recreational activities and forest management practices that are used to preserve forest;
 - (6) Include the substantive elements required under § 216-10B(2), (3), (4) and (5) of this article, as finalized elements of the forest conservation plan; and
 - (7) Other information the Department determines is necessary to implement this chapter.
- C. If a simplified preliminary forest conservation plan for an area has been approved by the Department, the final forest conservation plan shall:
- (1) Be submitted with the following:
 - (a) A final subdivision plan;
 - (b) A final project plan;
 - (c) An application for a grading permit; or
 - (d) An application for a sediment control permit.
 - (2) Show proposed locations and types of protective devices to be used during construction activities to protect trees and forests designated for conservation;
 - (3) Include the substantive elements required under § 216-10D of this article, as finalized elements of the forest conservation plan.
 - (4) Include a landscape plan for tree replacement if any ten-inch-in-caliper-and-greater trees are to be removed. This plan shall include:
 - (a) Location, size and species of trees to be removed;
 - (b) Location, size and species of replacement trees at a ratio of two trees planted per one tree removed for trees 10 to 23 inches in caliper. Trees 24 inches in caliper or greater shall be replaced at a ratio of four trees planted per one removed.

- (5) Other information the Department determines is necessary to implement this chapter.
- D. Department forest conservation plan approval.
- (1) Within 45 calendar days after receipt of the final forest conservation plan, the Department shall notify the applicant whether the forest conservation plan is approved or list deficiencies.
 - (2) If the Department fails to notify the applicant within 45 calendar days of deficiencies, the plan shall be treated as approved.
 - (3) Resubmission of the final forest conservation plan will be required to correct any list of deficiencies. The final forest conservation plan will not be approved until all listed deficiencies have been corrected to the satisfaction of the Department.
- E. The Department's review of a final forest conservation plan shall be concurrent with the review of the final subdivision or project plan, grading permit application, or sediment control application associated with the project.
- F. If a forest conservation plan is required pursuant to this chapter, a person may not cut, clear or grade, in any way, the development site until the Department has approved the final forest conservation plan.
- G. The Department may revoke an approved forest conservation plan if it finds that:
- (1) A provision of the plan has been violated;
 - (2) Approval of the plan was obtained through fraud, misrepresentation, a false or misleading statement, or omission of a relevant or material fact; or
 - (3) Changes in the development or in the condition of the site necessitate preparation of a new or amended plan.
- H. The Department may issue a stop-work order against a person who violates a provision of this chapter or a regulation, order, approved forest conservation plan, or maintenance agreement.
- I. Before revoking approval of a forest conservation plan, the Department shall notify the violator in writing and provide an opportunity for a hearing.

ARTICLE VII
Afforestation and Retention

§ 216-12. Afforestation requirement.

A person making application after the effective date of this chapter for subdivision or project plan approval, a grading permit, or a sediment control permit for an area of land of 40,000 square feet or greater, shall:

- A. Conduct afforestation on the lot or parcel in accordance with the following:
- (1) A tract having less than 20% of the net tract area in forest cover shall be afforested up to at least 20% of the net tract area for residential areas;
 - (2) A tract with less than 15% of its net tract area in forest cover shall be afforested up to at least 15% of the net tract area for commercial and industrial use areas;
- B. Comply with the following when cutting into forest cover that is currently below the afforestation percentage described in § 216-12A(1) and (2) of this article:
- (1) The required afforestation level shall be determined by the amount of forest existing before cutting or clearing begins; and
 - (2) Forest cut or cleared below the required afforestation level shall be reforested or afforested at a two-to-one ratio and added to the amount of afforestation necessary to reach the minimum required afforestation level, as determined by the amount of forest existing before cutting or clearing began.

§ 216-13. Retention. [Amended 9-2-2014 by Ord. No. 768-14]

The following trees, shrubs, plants, and specific areas are considered priority for retention and protection and shall be left in an undisturbed condition unless the applicant has demonstrated, to the satisfaction of the Department, that the applicant qualifies for a variance in accordance with § 216-21 of this chapter.

- A. Sensitive areas.
- (1) Trees, shrubs, and plants located in sensitive areas including the one-hundred-year floodplain, intermittent and perennial streams and their buffers, steep slopes, nontidal wetlands, and critical habitats;
 - (2) Contiguous forest that connects the largest undeveloped or most vegetated tracts of land within and adjacent to the site;
- B. Trees, shrubs, or plants determined to be rare, threatened, or endangered under:
- (1) The federal Endangered Species Act of 1973 in 16 U.S.C. §§ 1531 through 1544 and in 50 CFR Part 17;
 - (2) The Maryland Nongame and Endangered Species Conservation Act, Natural Resources Article, §§ 10-2A-01 through 10-2A-09, Annotated Code of Maryland, and
 - (3) COMAR 08.03.08;
- C. Trees that:

- (1) Are part of an historic site,
 - (2) Are associated with an historic structure; or
 - (3) Have been designated by the state or the Department as a national, state, county or Town champion tree; and
- D. Any tree having a diameter measured at 4.5 feet above the ground of:
- (1) Thirty inches or more; or
 - (2) Seventy-five percent or more of the diameter, measured at 4.5 feet above the ground, of the current State champion tree of that species as designated by the Department of Natural Resources.

**ARTICLE VIII
Reforestation**

§ 216-14. Forest conservation threshold.

- A. There is a forest conservation threshold established for all land use categories, as provided in Subsection B of this section. The forest conservation threshold means the percentage of the net tract area at which the reforestation requirements changes from a ratio of 1/4 acre planted for each acre removed above the threshold to a ratio of two acres planted for each acre removed below the threshold.
- B. After reasonable efforts to minimize the cutting or clearing of trees and other woody plants have been exhausted in the development of a subdivision or project plan, grading and sediment control activities, and implementation of the forest conservation plan, the forest conservation plan shall provide for reforestation, or payment into the forest conservation fund, according to the formula set forth in Subsections B and C of this article and consistent with § 216-9 of this chapter, and the following forest conservation thresholds for the applicable land use category:

Category of Use	Threshold Percentage
Residential use areas	25%
Commercial and industrial use areas	15%

- C. Calculations.
 - (1) For all existing forest cover measured to the nearest 1/10 acre cleared on the net tract area above the applicable forest conservation threshold, the area of forest removed shall be reforested at a ratio of 1/4 acre planted for each acre removed.
 - (2) Each acre of forest retained on the net tract area above the applicable forest conservation threshold shall be credited against the total number of acres required to be reforested under Subsection C(1) of this subsection. The calculation of the

credit shall be according to the criteria provided in the Forest Conservation Technical Manual.

- (3) For all existing forest cover measured to the nearest 1/10 acre cleared on the net tract area below the applicable forest conservation threshold, the area of forest removed shall be reforested at a ratio of two acres planted for each acre removed below the threshold.

ARTICLE IX Priorities and Time Requirements

§ 216-15. Sequence for afforestation and reforestation.

- A. After techniques for retaining existing forest on the site have been exhausted, the preferred sequence for afforestation and reforestation, as determined by the Department, is as follows:
 - (1) Selective clearing and supplemental planting on site;
 - (2) On-site afforestation or reforestation, if economically feasible, using transplanted or nursery stock that is greater than two inches diameter measured at 4.5 feet above the ground;
 - (3) Landscaping of areas under an approved landscaping tree plan which establishes a forest that is at least 35 feet wide and covering 2,500 square feet or more of area;
 - (4) On-site afforestation or reforestation, using whip and seedling stock;
 - (5) Off-site afforestation or reforestation, using transplanted or nursery stock that is greater than two inches diameter measured at 4.5 feet above the ground;
 - (6) Off-site afforestation or reforestation, using whip and seedling stock;
 - (7) Street trees with an established cost per tree subtracted from the Forest Conservation Fund for the site as determined in Article X, § 216-16 of this chapter;
 - (8) Natural regeneration on site; and
 - (9) Natural regeneration off site.
- B. A sequence other than the one described in Subsection A of this section may be used for a specific project, if necessary, to achieve the objectives of the Town land use plan or Town land use policies, or to take advantage of opportunities to consolidate forest conservation efforts.
- C. The following are considered a priority for afforestation and reforestation to:
 - (1) Establish or enhance forest buffers adjacent to intermittent and perennial streams to widths of at least 50 feet;

- (2) Establish or enhance nonforested areas on one-hundred-year floodplains, when appropriate;
 - (3) Establish or increase existing forested corridors to connect existing forests within or adjacent to the site, and, where practical, forested corridors should be a minimum of 300 feet in width to facilitate wildlife movement;
 - (4) Establish or enhance forest buffers adjacent to critical habitats where appropriate;
 - (5) Establish plantings to stabilize slopes of 20% or greater and slopes of 15% or greater with a soil K value greater than 0.35, including the slopes or ravines or other natural depressions;
 - (6) Establish buffers adjacent to areas of differing land use when appropriate, or adjacent to highways or utility rights-of-way;
 - (7) Establish forest areas adjacent to existing forests to increase the overall area of contiguous forest cover, when appropriate; and
 - (8) Use native plant materials for afforestation or reforestation, when appropriate.
- D. A person required to conduct afforestation or reforestation under this article shall accomplish it within one year or two growing seasons, whichever is a greater time period, following development project completion.

ARTICLE X
Alternate Methods of Compliance

§ 216-16. Forest Conservation Fund.

- A. There is established a Forest Conservation Fund in the local program.
- B. If a person subject to this chapter demonstrates to the satisfaction of the Department that requirements for reforestation or afforestation on site or off site cannot be reasonably accomplished, the person shall contribute money, at a rate of \$0.40 per square foot of the area of required planting, into the Town Forest Conservation Fund.
- C. Money contributed instead of afforestation or reforestation under this article shall be paid within 90 calendar days after execution of the public works agreement or prior to issuance of any permit as determined in the sole discretion of the Zoning Administrator.
- D. Money deposited in the local Forest Conservation Fund:
 - (1) May be spent on the costs directly related to reforestation and afforestation, including site identification, acquisition, preparation, maintenance of existing forest and achieving urban canopy goals and/or;
 - (2) May be spent on the costs directly related to individual tree plantings in public and private rights-of-way, and on public lands, including site identification, acquisition, preparation and tree maintenance.

- (3) Shall be deposited in a separate Forest Conservation Fund; and
 - (4) May not revert to the general fund.
- E. Sites for afforestation or reforestation using fund money shall be located within the boundaries of the Town of Bel Air.

§ 216-17. Off-site protection.

- A. If a person subject to this chapter demonstrates to the satisfaction of the Department that the requirements for reforestation or afforestation cannot be met in accordance with the preferred sequence for afforestation or reforestation as described in Article IX, § 216-15, of this chapter, a person may request the option to protect an existing forested area off site as a means of meeting the afforestation or reforestation requirement for a proposed development site.
- B. The following conditions must exist on a proposed off-site protection site:
- (1) The site must have forest cover in excess of the minimum forest conservation threshold for the site; and
 - (2) The forest cover must not be protected through an existing long-term binding agreement related to tree retention.
- C. A forest conservation plan for the off-site protection site shall be prepared by a licensed forester, a licensed landscape architect, or a qualified professional who meets the requirements stated in COMAR 08.19.06.01B.
- D. Off-site protection shall be at a protection-to-reforestation/afforestation ratio of 2:1.
- E. The forest conservation plan shall include:
- (1) All simplified forest stand delineation requirements as noted in Article V, § 216-8E of this chapter;
 - (2) A site plan indicating all existing protection areas, an area equal to the minimum conservation threshold for the site, and the proposed area of protection at an amount equal to or greater than the required amount of afforestation or reforestation for the development site; and
 - (3) A long-term protective agreement for the area equal to the minimum forest conservation threshold and the offsite protection area as described in Article VI, § 216.11B(5) of this chapter.
- F. Sites designated for off-site protection shall be located within the boundaries of the Town of Bel Air.

ARTICLE XI
Recommended Tree Species

§ 216-18. Use of native species; list of approved trees.

- A. Tree species used for afforestation or reforestation shall be native to the State, when appropriate, and selected from a list of approved species established by the Department.
- B. The Department shall adopt a list of the tree species to be used for any required afforestation or reforestation and incorporate it into the Forest Conservation Technical Manual.

ARTICLE XII
Financial Security

§ 216-19. Bond or other approved security for afforestation or reforestation.

- A. A person required to conduct afforestation or reforestation under this chapter shall furnish financial security in the form of a bond, an irrevocable letter of credit, or other security approved by the Department. The surety shall:
 - (1) Assure that the afforestation, reforestation, and the associated maintenance agreement are conducted and maintained in accordance with the approved forest conservation plan;
 - (2) Be in an amount equal to the estimated cost, as determined by the Department, of afforestation and reforestation; and
 - (3) Be in a form and of a content approved by the Department.
- B. After one growing season, the person required to file a bond under § 216-19A of this article may request reduction of the amount of the bond or other financial security by submitting a written request to the Department with a justification for reducing the bond or other financial security amount, including estimated or actual costs to ensure afforestation or reforestation requirements are met.
- C. The Department shall determine whether a lesser amount is sufficient to cover the cost of afforestation or reforestation, taking into account the following:
 - (1) The number of acres;
 - (2) The proposed method of afforestation or reforestation;
 - (3) The cost of planting materials or replacement materials;
 - (4) The cost of maintenance of the afforestation or reforestation project; and
 - (5) Other relevant factors.
- D. If, after two growing seasons, the planting associated with the afforestation or reforestation meet or exceed the standards of the Forest Conservation Technical Manual,

the amount of the cash bond, letter of credit, surety bond, or other security shall be returned or released.

- E. A local forest conservation program may incorporate the financial security set forth in § 216-19A through D of this article or in COMAR 08.19.05.01B.

ARTICLE XIII

Protection of Trees from Construction Activities

§ 216-20. Adoption of standards; protective devices.

- A. The Town shall adopt standards for the protection of trees from construction activity that are at least as effective as the standards provided in the Department of Natural Resources Forest Conservation Manual.
- B. Before cutting, clearing, grading, or construction begins on a site for which a forest conservation plan is required by this chapter, the applicant shall demonstrate to the Department that protective devices have been established.

ARTICLE XIV

Variances

§ 216-21. Procedure for variance.

- A. A person may request a variance from this chapter or the requirements of Natural Resources Article, §§ 5-1601 through 5-1612, Annotated Code of Maryland, if the person demonstrates that enforcement would result in unwarranted hardship to the person.
- B. An applicant for a variance shall:
- (1) Describe the special conditions peculiar to the property which would cause the unwarranted hardship;
 - (2) Describe how enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas;
 - (3) Verify that the granting of the variance will not confer on the applicant a special privilege that would be denied to other applicants;
 - (4) Verify that the variance request is not based on conditions or circumstances which are the result of actions by the applicant;
 - (5) Verify that the request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; and
 - (6) Verify that the granting of a variance will not adversely affect water quality.
- C. The Department shall make findings that the applicant has met the requirements in Subsections A and B of this section before the Department may grant a variance.

- D. Notice of a request for a variance shall be given to the Department of Natural Resources within 15 days of receipt of a request for a variance.
- E. There is established by this chapter the right and authority of the Department of Natural Resources to initiate or intervene in an administrative, judicial or other original proceeding or appeal in the state concerning an approval of a variance under Natural Resources Article, §§ 5-1601 through 5-1612, Annotated Code of Maryland, or this chapter.

§ 216-22. Appeal process.

- A. Aggrieved parties may appeal the Department's decision to grant a variance to the Town Board of Commissioners within 30 days of the decision.
- B. Procedures.
 - (1) The aggrieved party shall submit a written request to the Town Commissioners requesting review of the Department's decision.
 - (2) A public hearing shall be scheduled before the Town Commissioners; public notice shall be placed in a local paper for two consecutive weeks; the subject property will be posted 10 days prior to the hearing date.
 - (3) A public hearing shall be held before the Town Commissioners. It is the responsibility of the aggrieved party to demonstrate that the variance request did not meet the variance procedure requirements as stated in Article XIV, § 216-21B of this chapter.
 - (4) Town Commissioners approve or deny the request. The Town Commissioners may table the matter for further discussion or to gather additional information. In any case, a decision shall be rendered within 60 days of the first hearing date, unless an extension is agreed upon by all parties involved.
 - (5) If approved, the variance becomes effective 10 days after the Town Commissioners' approval.
 - (6) Aggrieved parties may appeal the Town Commissioners' decision to the Circuit Court within 30 days of the decision.

**ARTICLE XV
Enforcement**

§ 216-23. Violations and penalties.

- A. Noncompliance fees.
 - (1) A person found to be in noncompliance with this chapter, regulations adopted under this chapter, the forest conservation plan or the associated two-year maintenance agreement, shall be assessed by the Department, the penalty of \$0.40 per square foot of the area found to be in noncompliance.

- (2) Money collected under Subsection A(1) of this section shall be deposited in the Forest Conservation Fund as required by Article X of this chapter, and may be used by the Department for purposes related to implementing this chapter.

B. Violation.

- (1) In addition to the provisions under Subsection A of this section, a person who violates a provision of this chapter or a regulation or order adopted or issued under this chapter is liable for a penalty not to exceed \$1,000, which may be recovered in a civil action brought by the Department.

- (2) Each day a violation continues is a separate violation.

C. The Department may seek an injunction requiring the person to cease violation of this chapter and take corrective action to restore or reforest an area.

D. The local program may adopt the enforcement provisions under COMAR 08.19.06.03.

ARTICLE XVI
Annual Report

§ 216-24. Annual reporting requirements.

On or before March 1 of each year, the Department shall submit to the Department of Natural Resources a report which contains the:

- A. Number, location, and type of projects subject to the provisions of this chapter;
- B. Amount and location of acres cleared, conserved and planted, including any areas located in the one-hundred-year floodplain, in connection with a development project;
- C. Amount of reforestation and afforestation fees and noncompliance penalties collected and expended;
- D. Costs of implementing the forest conservation program;
- E. Location and size of all forest mitigation banks approved during the past year with a description of the priority areas afforested or reforested by the bank;
- F. Number of acres debited from each forest mitigation bank since the last annual report;
- G. Forest mitigation banks inspected since the last annual report;
- H. Number, location and types of violations and types of enforcement activities conducted; and
- I. Size and location of all conserved and planted forest areas submitted in an electronic geographic information system or computer-aided design format if possible. If not possible, the location shall be given by Maryland State Plane Grid Coordinates and eight-digit subwatershed.

ARTICLE XVII
Biennial Review by Department of Natural Resources

§ 216-25. Submission of documentation.

The Department shall submit the necessary documentation to comply with COMAR 08.19.02.04.

ARTICLE XVIII
Amendments

§ 216-26. Amendments as required and subject to approval.

This chapter may be amended as required. All amendments to this chapter are subject to the approval of the Maryland Department of Natural Resources.

Chapter 223

[Former Ch. 223, Fortune-Telling, adopted 3-11-1980 by Ord. No. 310 as Ch. 6, Art. 6 of the 1980 Code, as amended, was repealed 5-2-2011 by Ord. No. 742-11.]

Appendix VII

Signature Blocks

Final Landscape Plan

**Final Landscape Plan
Landscape Architect Certification**

It is certified that this Final Landscape Plan is in compliance with all Town of Bel Air development regulations, landscape manual including Planning Commission and/or Zoning Administrator conditions attendant thereto.

Signature

Date

Printed Name

Affix Seal

**Final Landscape Plan
Owner Certification**

I certify that I have reviewed this Landscape Plan and I am aware of the Bel Air development regulations and landscape manual and I agree to attest the implementation in conformance with the approved Final Landscape Plan upon completion of installation.

Owner Signature

Date

Printed Name

Title

Appendix VII

Signature Blocks

Final Forest Conservation Plan

**Forest Conservation Plan
Certification**

It is certified that this Forest Conservation Plan is in compliance with all Town of Bel Air development regulations, Chapter 216 Forest Conservation requirements and Zoning Administrator conditions attendant thereto.

Signature

Date

Printed Name

Title or Registration #

**Forest Conservation Plan
Owner Certification**

I certify that I have reviewed this Forest Conservation Plan and I am aware of the Bel Air development regulations and I agree to attest the implementation in conformance with the approved Forest Conservation Plan upon completion of development.

Owner Signature

Date

Printed Name

Title