

## OTCC -Tree Removal and Replacement Rule

### A. General-

In accordance with various deed restrictions and OTCC rules, homeowners are required to obtain approval from the Old Taunton Colony Club (OTCC), Lakefront and Dock Committee prior to the removal of trees or vegetation. Tree removal is defined as the removal in whole or in part of a tree including, but not limited to, trees lost by “acts of God” such as disease, storms, beavers, etc. Significant pruning of a tree that reduces its canopy or ability to screen or shade by more than 25% shall be considered tree removal.

**Typically, individual tree removals will not require replacement tree planting.** However, in order to maintain and perpetuate the neighborhood scheme, replacement tree planting may be required by the Lakefront and Dock Committee based on its consideration of the following criteria:

1. If the extent of the proposed tree removal is significant in quantity and/or tree size.
2. If there is a lack of existing native vegetation on the lot or portions thereof.
3. If there is a lack of younger sapling trees on the lot or portions thereof.
4. If the visual prominence of the tree(s) to be removed is of significance to warrant replacement.
5. If the removal of the tree(s) would result in a deviation from the neighborhood scheme.

Any one or more of the foregoing criteria may form the basis for replacement planting.

### B. Replacement Tree Planting Specifications-

1. Minimum tree size shall be 1½”-2” caliper (average diameter) measured 8” from the ground.
2. All trees shall be healthy, in good form, and free from defects and shall conform to the published standards of American Association of Nurserymen.
3. Trees shall be native to the area, and appropriate to the site conditions. The tree type shall be selected from the current edition of the published list: “Native Pinelands Plants for the Landscape”, as referenced by the NJ Pinelands Commission. The link is shown below.

[http://www.state.nj.us/pinelands/infor/fact/native%20plants\\_links.pdf](http://www.state.nj.us/pinelands/infor/fact/native%20plants_links.pdf)

4. The health of trees shall be guaranteed by the Homeowner or subsequent Homeowners until they reach 4” in caliper, measured 8” from the ground.
5. Tree plantings shall occur during the first available tree planting season, and may be required to be installed prior to tree removals.
6. Replacement trees shall be made available by the Homeowner for inspection by the OTCC on an annual basis until they reach 4” caliper, measured 8” from the ground.

7. Replacement trees found to be dead (defined as 25% or more of the tree canopy is dead or in poor health) shall be replaced during the next available planting season by the Homeowner.
8. A detailed sketch shall be provided by the Homeowner to the OTCC for replacement plantings involving 5 or more replacement trees. The plan shall be prepared over the Homeowner's existing survey of the property and shall indicate the type, size, location and quantity of the trees to be planted. Tree removal may only occur after OTCC approval of the tree replacement plan.

**C. Tree replacement quantities/rates-**

1. One 1 ½" -2 " caliper replacement tree shall be required for each tree removed.

The OTCC, in the exercise of its reasonable discretion, may increase or decrease the required quantities based on the existing site conditions and criteria listed above in order to maintain and perpetuate the neighborhood scheme.

**D. Trees removed without prior OTCC approval:**

1. Trees removed without prior OTCC approval shall be required to be replaced in compliance with the Replacement Tree Planting specifications above.
2. Trees shall be replaced at a 1:1 ratio as measured by caliper of the existing trees, measured at 8" from the ground. For example: The removal of one 10" caliper tree would require five, 2" caliper trees (total of 10" caliper) to be planted as replacements.
3. In the event that the stumps of existing trees have been removed from the site or are otherwise unavailable prior to inspection by the OTCC, the rate of replacement trees shall be calculated as follows:

Provide one 2-2 ½" caliper replacement tree per 100 square of total lot area or portion thereof affected by the tree removal.

**E. Penalties (adopted 9/12/18)**

If the OTCC Board finds that a property owner has removed any tree(s) over 4 inches in diameter, or trees of any size within 20 feet of the lake, without OTCC permission and has failed or refused to implement a replanting plan approved by the Board, the Board may revoke the property owner's good standing. In addition, the Board may fine the property owner \$300 for each tree removed without OTCC permission. The Board shall provide to the property owner a notice of its intent to revoke good standing and/or impose a fine and afford the property owner an opportunity to appear before the Board and present good cause why the proposed penalties should not be imposed. The Board shall take the property owner's argument into consideration when making its final decision regarding the proposed penalties. The aforesaid notice shall also include a notice of the availability of Alternative Dispute Resolution pursuant to the OTCC's ADR procedures.