

Berwyn Park District Tree Protection Plan

June 21, 2022



CHAPTER 1 TREE PRESERVATION

SECTION 1

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1.1 STATEMENT OF PURPOSE

This Section of the policy is structured to preserve, protect, and enhance critical infrastructure – the portion of the urban forest that is located in the Berwyn Park District. The complete urban forest is comprised of trees across all land uses and ownership on public and private land. This Section will regulate Berwyn Park District property trees but recognizes that trees on public and private property are part of the collective community resource.

The purpose of this Section is to recognize the services and function that trees provide as a collective asset to the entire community and to state the goals of the Berwyn Park District with respect to the protection, preservation, care and planting of trees in the Berwyn Park District.

Specific goals of this section are to:

- A. Protect, preserve and enhance the quality of life and general welfare of the Berwyn Park District, its patrons, and residents of the City of Berwyn; and conserve and enhance the Berwyn Park District’s natural, physical and aesthetic environment.
- B. Preserve, protect and enhance the urban forest to ensure that trees are properly planted and maintained within the Berwyn Park District so that trees can protect, enhance and preserve the quality of life for patrons of Berwyn Park District and its residents.
- C. Recognize that trees are an integral part of the infrastructure of the Berwyn Park District and as such should be preserved, protected and cared for as other critical Berwyn Park District infrastructure.
 - a. Trees absorb pollution from the air;
 - b. Trees absorb and sequester carbon dioxide;
 - c. Trees absorb and filter pollution from stormwater run-off;
 - d. Trees produce oxygen;
 - e. Trees reduce flooding;
 - f. Trees stabilize soils and reduce erosion;
 - g. Trees cool the surrounding area helping to reduce impacts due to heat islands;
 - h. Trees reduce energy consumption by shielding structures from harsh winds and sun;
 - i. Trees provide a buffer and screen against noise, light and pollution;
 - j. Trees improve property values;
 - k. Tree-filled parks improve commercial district buyer traffic and purchasing;
 - l. Areas with trees have lower crime rates;

- m. Areas with trees have higher levels of community interaction;
 - n. Trees provide important habitat for birds and other wildlife; and
 - o. Trees protect and enhance our quality of life.
- D. Trees provide the Berwyn Park District collective benefits that extend beyond property boundaries throughout the entire City of Berwyn and suburban Cook County.
- E. Recognize that larger trees provide larger benefits. When a large tree is removed and replaced with a smaller tree the benefits and services are reduced.
- F. Recognize that some trees may have a condition that constitutes a threat, danger or nuisance to the public or property within the Berwyn Park District or may be dangerous to the health of other trees and vegetation in the Berwyn Park District.

1.2 DEFINITIONS

ARBORIST	Any individual experienced in the profession of forestry or a related field and is licensed or certified in forestry by an accredited forestry industry body, e.g. International Society of Arboriculture.
BUCKTHORN	An undesirable exotic invasive ornamental shrub introduced to North America. This species inhabits woodlands and savannas where it dominates the landscape prohibiting the development of native trees and plants. There are six species of buckthorn listed in the Illinois Exotic Weed Act, which prohibits the sale, distribution or planting of this species, <i>Rhamnus cathartica</i> , <i>davurica</i> , <i>frangula</i> , <i>argula</i> , <i>utilis</i> , and <i>japonica</i> .
BUILDING ACTIVITY AREA	The portion of a property within which development activity, including grading, excavation, storage of materials, construction access and construction of both main buildings and unattached structures.
CANOPY	The upper portion of a tree sometimes called the crown. This section of the tree usually contains branches and leaves.
CONTRACTOR	A company or individual contracted to perform landscape services.
DAMAGE	Impact or loss of function to any tree including but not limited to: removal, root compaction, root removal, girdling, soil contamination, topping, pruning more than 20% of the trees, canopy removal, bark removal, poisoning and or/ actions resulting in the decline or death of a tree.

DEVELOPMENT	Any proposed change in the use or character of land, including, but not limited to the replacement of any structure or site improvements, e.g. irrigation installation, driveway replacement, installation of a retaining wall among others. When appropriate to the context, development may refer to the receipt or necessity of any building, tree or site work permit.
DIAMETER AT BREAST HEIGHT	The diameter of the trunk of the tree measured in inches at a point 4.5 feet above ground line. This forestry standard measurement is used for established and mature trees and is referred to as “DBH”. All reference to diameter size shall be to the DBH.
UBAN FOREST MANAGEMENT PLAN (UFMP)	A detailed plan developed and approved by the Berwyn Park District under the direction of a certified arborist or forester which protects this valuable infrastructure and outlines thoughtful strategies for tree planting, selection, care and preservation for the Berwyn Park District and complies with recognized national standards.
FORESTER	An individual trained and experienced in the profession of forestry who has a forestry degree from an institution of advanced education, or equivalent experience as a subject matter expert
INFRASTRUCTURE	The basic underlying framework or features that provide collective services, including but not limited to roads, waterlines, storm sewers, bioswales, and trees.
INVASIVE SPECIES	An introduced or exotic species that significantly modifies or disrupts the ecosystem in which it colonizes (e.g. buckthorn).
LANDSCAPE	Vegetation and hardscapes installed and maintained by the Berwyn Park District.
MANAGEMENT PLAN	A plan approved by the Berwyn Park District outlining the strategies for care and management of a specific type of landscape.
NUISANCE TREES	Nuisance trees are trees that may provide potential impacts to other trees, people or structures. This would include, but not be limited to, diseased, infested, structurally unsound trees or known invasive or aggressive species.
PARCEL	A single parcel shall mean any lot of record, zoning lot or any grouping of adjacent lots under single ownership, serving a principal structure or use.
PREFERRED TREE LIST	A listing of tree species, identified in the Berwyn Park District Urban Forest Management Plan.

PROPERTY OWNER	An individual or organization who owns property located within the corporate limits of the City of Berwyn.
SIGNIFICANT TREE REMOVAL	Removal of a grouping/stand of trees.
SIMPLE TREE REMOVAL	Removal of a tree without other associated site impacts or other site improvements.
SITE	That parcel of land for which landscaping changes or tree removal is sought.
TRANSPLANTING	The removal of any tree for replanting elsewhere.
TREE	Any self-supporting woody plant, together with its root system, trunk and canopy; growing upon the earth usually with one trunk, or a multi-stemmed trunk system, supporting a definitely formed crown.
TREE PRESERVATION PLAN	A document required during construction activities which identifies, by common name and/or scientific name, certain species of trees of a specified DBH within a particular area. The plan shall list all existing and proposed trees and shall specifically state how each tree is proposed to be destroyed, relocated, replaced, preserved at its present location, introduced into the site from an off-site source, and whether the tree is to receive remediated actions due to construction impacts, e.g. root pruning. The Berwyn Park District may provide that the tree preservation plan excludes those portions of the site which it determines will not be affected by the activity. Any tree preservation plan required by this Section must be dated within thirty-six months of the start date of the proposed activity.
TREE REMOVAL	The cutting down, destruction, removal or relocation of any tree, including damaging by poison or other direct or indirect action.

1.3 PRESERVATION

- A. The Berwyn Park District shall have at least 1 certified Arborist on staff. This individual is responsible for enforcement and compliance of the Urban Forest Management Plan. Any urban forestry work completed by a contractor within the Bensenville Park District shall be under the direction of a certified arborist, arborist trainee, or a Forestry Consultant.
- B. The Berwyn Park District shall have an urban forest inventory of owned trees. This inventory shall be maintained in a current state. Re-inventory may be required every 5-7 years unless the inventory is updated with the pruning cycle or is updated as part of routine tree maintenance.

C. The Berwyn Park District shall have an approved Urban Forest Management Plan. This plan shall be the framework for the protection, management and planting of trees within the Berwyn Park District and shall support and clearly define regulations identified in the Tree Preservation Policy. This plan shall include the following:

1. A defined ten-year urban forestry strategy with clearly identified one, five, and ten years goals;
2. Community canopy mapping identifying existing tree canopy and priority locations for planting;
3. A strategy for completion and maintenance of a tree inventory on Berwyn Park District property;
4. Clear guidelines on tree species and age diversity;
5. Clear identification of replacement value and requirements for tree removal or damage;
6. An approved and an unapproved tree list.
7. Clearly defined specifications for tree planting, pruning, and impact reduction;
8. A risk assessment and management program;
9. A strategy for management, preservation and protection of naturalized areas;
10. A strategy for administration and implementation of a volunteer program;
11. Clear identification of forestry resource needs; and
12. A forestry budget with one, five and ten year commitments.

D. The Berwyn Park District should require that any Contractor, working for the Berwyn Park District who may interact or have impact on Berwyn Park District urban forest have a Certified Arborist on staff, and periodically on site for all work pertaining to trees, including but not limited to removal, pruning and planting activities.

F. All tree planting, selection and management shall be in compliance with the Berwyn Park District Urban Forest Management Plan.

G. It is recognized that diverse species and age structure of urban trees throughout the Berwyn Park District are critical to the health of the forest structure and protects the Berwyn Park District from catastrophic loss and improved longevity. Specifications for species and age diversity, planting and management are contained in the Urban Forest Management Plan.

1.4 PLANTING

A. As outlined in the Urban Forest Management Plan, the Berwyn Park District shall plant, and recommend diverse species with the ratio of not more than 20% of any one family, 10% of any one genus or 5% of any one species, with the exception of naturalized areas where species selections are based on the natural species assemblages as defined in the Urban Forest Management Plan. Diverse species composition protects the Berwyn Park District from catastrophic loss.

B. All trees planted by the Berwyn Park District or their agent shall be planted in accordance with the Urban Forest Management Plan and ANSI Z 60.1 Standards.

- C. Trees purchased by the Berwyn Park District shall meet the specifications required in the Urban Forest Management Plan and ANSI Z 60.1 Standards.
- D. Prior written approval is required to plant any plant, tree or shrub on Berwyn Park District property.
- E. The Berwyn Park District shall not plant any tree under utility wires that is anticipated to grow to a height that will interfere with the wires.
- F. The Berwyn Park District shall provide education and outreach to Berwyn Park District patrons/residents on the need for species and age diversity, proper selection and planting practices, and how to select species for sites.

1.5 TREE CARE

Tree care within the Berwyn Park District, shall comply with all Best Management Practices identified in the Urban Forest Management Plan. Topping of trees is prohibited in Berwyn Park District property.

1.6 TREE PROTECTION

This Section applies to any work or activity which may impact Berwyn Park District trees.

- A. Unless otherwise authorized by this Section, it shall be unlawful for any person to remove, injure or undertake any procedure which will cause death, substantial damage, or create a hazard, to any Berwyn Park District tree without first obtaining written approval from the Berwyn Park District. In the case of tree management practices, these practices shall comply with the Best Management Practices identified in the Urban Forest Management Plan.
- B. In the event of any site improvement which may impact Berwyn Park District property trees, a Tree Preservation Plan is required, must be approved by Berwyn Park District staff or the Forestry Consultant, and implemented prior to the start of any work or delivery of any materials to the Building Activity Area. The approved Tree Preservation Plan shall be available on the site throughout the entire construction period until final approvals for all site work shall be received in writing. Additional information is available in UFMP.
- C. In instances where the activity requires the use of heavy equipment and where that activity may impact trees on Berwyn Park District property, all appropriate tree protection measures must be taken and identified in the Tree Preservation Plan. In addition, all tree protection measures shall be in compliance with the Urban Forest Management Plan and industry Best Management Practices.

1.7 BOUNDARY TREES / SHARED TREES

This section applies to trees which appear to be shared property between a Berwyn Park District property and a neighboring property of differing ownership.

- A. Any tree which has any portion of average trunk diameter, not including surface or buttress roots, on 2 or more properties shall be considered a Boundary Tree, and Shared Property.
- B. Berwyn Park District shall consult with joint tenants of Boundary Trees prior to executing any maintenance activities or tree removals upon those trees, and attempt to gain consent of the joint tenant prior to proceeding with such work.
- C. Joint tenants with Berwyn Park District concerning ownership of a tree may, under Illinois law, remove limbs on their side of the property line, and Berwyn Park District may do the same.
- D. Should the removal of limbs result in loss of the tree, either party may seek civil damages for loss of the tree if the other party is not consulted prior to commencement of work.

1.8 TREE REMOVAL

Tree removals are considered an impact to the entire Berwyn Park District. It is clearly documented that larger trees provide larger benefits. It is recognized that the planting of smaller trees does not replace the value of larger trees that are lost. It will take tens of years for that value to be replaced and for that reason efforts should be made to preserve and protect trees where they are growing.

- A. It shall be unlawful for any individual to remove or cause damage to any tree located on Berwyn Park District property without written approval from the Berwyn Park District.
- B. Any tree removed from park district owned property or transplanted offsite should be replaced according to the regulations outlined in the Urban Forest Management Plan.
- C. All stump removals shall require underground utility locations prior to any action.
- D. If a tree is removed or damaged by a resident or developer without written approval from the Berwyn Park District it must be replaced as set forth in this Section.

1.9 TREE REPLACEMENT

- A. It is required that tree replacement species come from the Preferred Species List. The Preferred Species List is provided in the Urban Forest Management Plan.
- B. As the sole property owner of all Park District-owned land in Berwyn Park District, the following regulations shall be self-imposed when the District performs improvements on its land. The district

shall be responsible for holding its contractors and vendors to its internal standards. These standards have no application on private property or with privately owned trees

- C. Any tree species of any size in landscaped areas which is removed, or any 6” DBH or 6” group of trees in a natural area which is removed, which is not identified on the unapproved species list, is required for replacement by this Section. These trees shall be replaced based on the calculation provided in part D below. These trees shall be planted in accordance with the tree species list in the UFMP and Z 60.1 Standards.
- D. When a tree removal is required because of any project, tree replacement shall occur at the rate of 2” for every 1” of tree diameter lost for approved species, and 1” for every 1” of tree diameter lost for unapproved species.
- E. All tree replacement plantings shall require an underground utility location prior to planting.
- F. Final planting locations of replacement trees shall be at the discretion of Berwyn Park District forestry staff or the Forestry Consultant, and be consistent with the goals outlined in the Urban Forestry Management Plan.
- G. It shall be encouraged that any species identified as invasive species in Illinois be removed. There is no replacement requirement for these removals.

1.10 PENALTIES FOR DAMAGED TREES

The following penalties and fees may be charged at the discretion of the Berwyn Park District for unlawful removal of or damage to its trees, either fully owned or jointly owned under Illinois law. These monies can be utilized for tree replacement or other Forestry-Related services at the discretion of the Executive Director.

- A. For trees up to 18” in Diameter, the following formula shall be used to determine compensatory value for damage to trees:

<u>Type</u>	<u>\$/Diameter Inch</u>
Approved Species	\$200
Non-Invasive Unapproved Species	\$50
Invasive Species	\$0
New Species Not Yet on Either List	BPD Discretion

- B. For trees over 18” in Diameter, where values may be significantly higher, the above formula may not accurately reflect value. In these cases, Bensenville Park District should retain the services of a Consulting Arborist to perform a formal appraisal according to the CTLA’s 10th Guide to Plant Appraisal in order to accurately capture value.
- C. No single tree shall be appraised for loss at greater than 5% of the real market value of the parcel on which it stands.

1.11 TREE PRESERVATION AND/OR REMOVAL PLAN FOR SIGNIFICANT REMOVALS, CONSTRUCTION AND/OR DEVELOPMENT

Significant tree removals or tree removal and/or planting related to construction and/or development shall comply with all requirements of this Section and the Urban Forest Management Plan.

In the case of significant tree removals or tree removal and/or planting related to construction and/or development, the Forestry Consultant and the Executive Director shall review and approve planned removals and plantings.

1.12 INVASIVE SPECIES CONTROL

A. INVASIVE WOODY PLANTS

Invasive plants cause ecological disruption to natural ecosystems. The type of impact varies based on the species and the traits of that species. The Woody Invasive Species List is included in the Urban Forest Management Plan. These species shall not be planted and should be removed and controlled to reduce impacts to other vegetation.

- 1. Typical impacts include:
 - a. Chemical disturbance to the soil limiting development of other species;
 - b. Dense plant growth limiting light to soil surface resulting in exposed soil allowing erosion;
- 2. Displacement of naturally occurring species resulting in a monoculture of invasive species and aggressive tendencies.
- 3. Private Owner Outreach
The Berwyn Park District Entity shall have implementation and outreach plan(s) to educate neighboring property owners of the potential impacts and remediation strategies, including a suggested planting list of alternative species to assist property owners in dealing with the problem. These suggestions are located in the Urban Forest Management Plan.

B. INVASIVE DISEASES AND INSECTS

- 1. Impacts to Trees
Invasive diseases and insects can create significant stress to trees and in some instances kill trees. Berwyn Park District has developed a list of Invasive Diseases and Insects that pose significant threats to trees from information identified by State and Federal Departments of Agriculture. This list is included in the Urban Forest Management Plan.

2. **Invasive Species Management Plan**
Management of invasive diseases and insects is included in the Urban Forest Management Plan.
3. **Private Property Owner Outreach**
The Berwyn Park District shall have an implementation and outreach plan to educate property owners of the potential impacts and remediation strategies to help property tree owners in dealing with pests or pathogens. This plan is in the Urban Forest Management Plan.

1.13 TREE COMMITTEE

- A. **Establishment**
The Berwyn Park District will establish a Tree Committee consisting of the Executive Director, Superintendent of Parks, Forestry Consultant and the Board of Commissioners Buildings and Grounds Chair, which shall be a recommending body to provide assistance, direction and expertise to the Berwyn Park District regarding the preservation, planting, management and protection of trees. The Tree Committee shall review the District’s urban forest management plan and edit it as necessary for guidance on urban forestry issues.
- B. **Powers and Duties**
The Tree Committee shall have the following powers and duties subject to the approval of the Executive Director:
 1. To provide guidance on the preservation, care, management and protection of trees within the Berwyn Park District in accordance with Urban Forestry Management Plan, regional and local best management practices.
 2. To prepare and recommend to the Berwyn Park District from time-to-time recommendations for specific improvements of the preservation, care, management and protection of trees within the Berwyn Park District.
 3. To recommend policies and procedures to the Berwyn Park District Board for budget, plans, projects and schedules regarding the preservation, care, management and protection of trees within the Berwyn Park District.
 4. To review the Berwyn Park District Urban Forest Management Plan and provide recommendations for improvements to the Berwyn Park District Board.
 5. To work collaboratively with the City of Berwyn’s forestry staff to support the Berwyn Park District Policies and Urban Forest Management Plan.
 6. Manage and administer all plans, programs, projects and tasks delegated to it by the Berwyn Park District Board.

1.14 TREE PLANTING, REMOVAL, PRUNING APPROVAL

A. Tree Removal Procedures

As the sole property owner of all Park District-owned land in Berwyn Park District, Berwyn Park District shall have sole discretion as to trees to be planted, maintained, or removed on its property. The district shall be responsible for holding its contractors and vendors to its internal standards. No resident or other party may apply for permission to remove, maintain, or plant trees on Park District owned land. The Executive Director shall approve proposed tree removals only when other mitigation options are unavailable or unacceptable. The Berwyn Park District, and its appointed tree manager, or Forestry Consultant shall approve or disapprove of tree planting, removal and pruning work performed by its hired contractors by written authorization.

B. Time Limitation

1. A written authorization shall expire and become null and void if work authorized is not commenced within six months from the date of approval or if such work when commenced is suspended or abandoned at any time for a period of one year.

1.15 FINAL INSPECTION

Final approval shall be issued when all relocation, replacement or remediation of trees is completed by contractors, and a final inspection has been conducted by the Berwyn Park District. Should the Berwyn Park District determine that the season is inappropriate for planting then relocation or replacement shall be deferred until the next planting season.

1.16 EXCEPTIONS

If because of emergency weather or other casualty conditions a tree is endangering health, safety or property and requires immediate removal, verbal authorization may be given by the Berwyn Park District for the tree removal without obtaining written approval. Such verbal authorization shall later be confirmed in writing by the Berwyn Park District.

1.17 APPEALS FOR VARIANCE

Any person aggrieved by any decision of the Berwyn Park District in the enforcement of any terms or provisions of this Section may, within ten working days after the date of the decision, appeal to the Executive Director by filing a written notice of appeal with the Berwyn Park District. The notice of appeal shall set forth concisely the decision and the reasons or grounds for the appeal. The Executive Director may make a recommendation to the Berwyn Park District to affirm, modify, or reverse the decision. The decision of the Berwyn Park District shall be final and no petition for rehearing or reconsideration shall be available. Reasonable notice of the hearing by the Executive Director shall be provided by the Berwyn Park District to all affected parties.

1.18 CIVIL REMEDIES

In addition to any other remedies provided by this Section the Berwyn Park District shall have the following judicial remedies available for violations of this Section or any condition promulgated under this Section.

- A. The Berwyn Park District may institute a civil action in a court of competent jurisdiction to establish liability and to recover damages for any injury caused by the removal or damage of trees in contravention of the terms of this Section.
- B. The Berwyn Park District may institute a civil action in a court of competent jurisdiction to seek injunctive relief to enforce compliance with this Section to enjoin any violation, and to seek injunctive relief to prevent irreparable injury to the trees or properties encompassed by the terms of this Section.

1.19 LIABILITY INSURANCE CONTRACTS-VENDORS

Company shall obtain Commercial General Liability Insurance (CGL) and, if necessary, commercial umbrella insurance with a limit of not less than \$2,000,000 each occurrence. If such CGL insurance contains a general aggregate limit, it shall apply separately to this project/location.

CGL insurance shall be written on Insurance Services Office (ISO) occurrence form CG 00 01 10 93, or a substitute form providing equivalent coverage, and shall cover liability arising from premises, operations, independent contractors, products-completed operations, personal injury and advertising injury, and liability assumed under an insured contract (including the tort liability of another assumed in a business contract).

The Berwyn Park District shall be included as an insured under the CGL, using ISO additional insured endorsement CG 20 26 or a substitute providing equivalent coverage, under the commercial umbrella, if any. This insurance shall apply as primary insurance with respect to any other insurance or self-insurance afforded to District.

Company shall furnish District with a certificate(s) of insurance and applicable policy endorsement(s), executed by a duly authorized representative of each insurer, showing compliance with the insurance requirements.