

# Trees

Gary Cummins-Planning Committee Chair and Attorney Dennis Bartoldus

The Bayshore Planning Committee met with the Board of Directors during the January 9<sup>th</sup> Planning Meeting to discuss the growing (no pun intended) issue of trees in Bayshore. Pertinent to the discussion was the January 9<sup>th</sup>, 2008 letter from the Bayshore attorney, Dennis Bartoldus, expressing his opinion regarding Article II, Section 4 of the C&Rs pertaining to trees. Mr. Bartoldus states that “trees are probably the number one issue with homeowners associations, especially those that lie along the coastal area where views are an issue...while some people want trees on neighboring properties to be cut to preserve or enhance their views, the property owner on whose property the trees are located often feels just as strongly that they do not want the trees cut.” The Planning Committee has received complaints expressing both of these positions.

The Bayshore attorney’s letter states the trees that the Planning Committee does not have jurisdiction over, under Section 4 of Article II are those that were not removed when Bayshore was developed. Bayshore was developed about 1963. Specifically, “The Planning Committee would not have authority to order removal of that vegetation”. We need help in identifying these trees. If homeowners have trees on their property or nearby that were present in about 1963, they should get a copy of a Bayshore development map, circle the area of such trees and send it to the Bayshore Association Office Secretary. (Do not include trees that were probably seedlings in 1963) We will compile a map where trees will be preserved in Bayshore.

Another aspect of the tree issue has to do with the six foot height question. Mr. Bartoldus states that “the Planning Committee can give permission for a tree that is over six feet high to remain”. That determination could be made even if the tree is already over six feet in height.

The Planning Committee considers tree conflicts on a case by case basis. However, it is best if neighbors resolve such problems themselves. If you feel the Planning Committee must be involved, you must present to the committee as much information as possible, i.e. what lot(s) is involved, property owner names, a map with the approximate location of the tree(s) in question, your best estimate as to the age of the tree(s), do you want the tree(s) cut down to the six foot level or can “windows” be established with limb pruning? Will you pay for the cost, including clean-up? Are views the principal cause or are there other considerations present, such as fire potential, or slip stability?

Finally, it is increasingly obvious that the growth of trees in Bayshore is presenting some problems other than views being affected. The combination of saturated, sandy soil, high winds and dense growth results in limbs and whole trees being blown down. This is particularly true for undeveloped lots. It is possible that during the summer months of decreased rain, a fire hazard may develop if fallen limbs in overgrown lots are permitted to exist. Article III, Section 3, Unkempt Lots, of the C&Rs may be applicable to prevent such conditions. Owners of Bayshore lots, whether developed or not, are responsible for fallen limbs, trees and crowded growth conditions that may affect their neighbors.