

TREE REMOVAL AND REPLACEMENT POLICY

BRANDYWINE OWNERS ASSOCIATION

The Restrictive Covenants, dated January 21, 1980 and recorded in Book 435 Page 362, that pertain to Brandywine Bay stipulate that all owners agree to leave all vegetation, trees, brooks, creeks, hillsides, springs, water courses, and ravines in as near their natural state as is compatible with good building practices. The Board of Directors of Brandywine Owners Association (BOA) has an obligation to uphold and enforce the Restrictive Covenants, to maintain the woodland community as it was intended, to maintain property values and to preserve the quality of life that residents expect. In this regard the BOA has adopted the following policy regarding tree removal and replacement for which the Architectural Control Committee (ACC) is responsible for monitoring.

1. No owner or builder shall remove any tree larger than 6" in diameter without first obtaining the prior written approval of the ACC. This does not apply to trees removed that lay within 10 feet of the foot print of the house, including decks, porches, etc., or within the driveway.
2. In certain circumstances when constructing a living unit, depending on the grade of the lot, if builders must add fill dirt in such amounts that it appears that tree roots will be smothered, the ACC is empowered to permit their removal; however, in no event will clear cutting any lot be allowed unless it is impossible to fill the lot to a buildable level without smothering all the trees. In such event; however, the builder must replace 50% of all trees 6" in diameter or larger that lay or lie further away from the house than 10 feet in accordance with the size and type of tree specified in paragraph five below unless otherwise approved by the ACC.
3. After consultation with a member of the ACC, owners may remove trees that have been damaged, that are dead, or that lean or overhang the house such that they appear to pose a threat to the structure.
4. When constructing a living unit or building an addition to a living unit and after consultation with a member of the ACC, owners may remove no more than 20% of all remaining trees 6" in diameter or larger that lay further away from the house than 10 feet and that are not damaged, dead or overhanging the house such that they appear to pose a threat to the structure.
5. Except for trees removed and replaced in accordance with paragraph 2 and trees removed in accordance with paragraph 4, any and all trees larger than 6" in diameter that have been approved by the ACC for removal must be replaced with a new nursery grown tree in a five gallon or larger container unless otherwise approved by the ACC. These new trees may be placed anywhere in the yard and may be any type of tree to include hardwoods, softwoods, undergrowth trees such as dogwood, red-bud, crepe myrtle, etc. No bonsai trees or other miniature trees will be allowed as replacement trees.
6. It is not necessary to replace trees that have been toppled by storms.

Approved by the Brandywine Owners Association Board of Directors, June 27, 2011