If a tree falls in Takoma Park, will the solar benefits outweigh the canopy loss?

Takoma Park's tree-protection law at odds with couple's request to install solar panels

by Jeremy Arias | Staff Writer

An environmental dilemma has pitted trees against sunshine in nature-loving Takoma Park.

Residents Patrick and Shannon Earle, eager to cut down a silver maple in their front yard that would overshadow future solar panels on their roof, have found themselves running afoul of the city's notoriously strict tree-protection ordinance.

The ordinance, in place since the 1980s, helps ensure such widespread benefits as reduced stormwater runoff and shade to city residents. But the couple claims the law is out of date and does not make exceptions for more recent green initiatives like solar panels.

"If the vision of Takoma Park is to create a green, sustainable community, then you have to conserve more than just the tree canopy; you have to consider reusable energy," Patrick Earle said.

At the heart of the matter is a decades-old silver maple growing directly in front of the Earle's house at 231 Grant Ave. While Patrick Earle has argued, among other things, that the tree is rotting internally and will soon present a safety hazard anyway, City Arborist Todd Bolton remains rooted in his stance that the massive maple is far from dead. Because the tree in question is defined by the city's code as an urban forest tree—it measures more than 24 inches in circumference at a height of four feet from the ground—it falls under the ordinance's protection, according to the city's code.

"It's not dead, it's not hazardous; he's choosing to remove it to put in his solar panels, and if you want to do that, there's a cost associated," Bolton said of the Earles' tree. "That's not my decision, that's not stuff I just made up; that's in the ordinance."

Since Bolton did not classify the tree as a hazard, the ordinance states that the Earles need to either replace the tree or pay the city the "fair market value" of 23 replacement trees. Because of the tree's size—roughly 50 inches in circumference—the ordinance's formula dictates that the Earles would need to plant 23 replacement trees to make up for it.

"It seems completely unreasonable," Patrick Earle said.

He added that, according to the city, fair market value for 23 trees would cost him about $4,000 at $175 a tree, much more than the $2,000 estimates he's received from contacting private landscapers.

Bolton defended the framework of the ordinance during his rounds in the city last week, arguing that, while the ordinance recognizes the need for some trees to come down, the replacement provisions are
in place to maintain the "ecosystem services" provided by the city's impressive tree cover, which include cleaner air and reduced energy use on air conditioning.

As far as offsetting the loss of the tree is concerned, Patrick Earle had his own numbers and formulae—gathering from Astrum Solar, the Annapolis company he consulted with—detailing the environmental benefits of his 24-panel, 175 watt panels over the course of a single year would be equal to planting 73 trees.

The city's tree ordinance has come under fire from residents before, and Patrick Earle's most recent complaints to Mayor Bruce Williams and City Councilman Josh Wright, whose Ward 1 includes the Earle residence, have not gone unheard.

"I definitely think the city needs to look at its tree ordinance," Wright said, adding that the last time the city reviewed the ordinance, solar panels weren't as affordable for individual property owners. "We just have to look at it and try to strike some balance, and I think that Patrick's situation is one where, the way the tree ordinance is right now, the balance is not quite right."

The council will likely not have time to re-examine the ordinance until after the summer recess ends in early September, Wright said.

Wright mentioned the need for the city to make the ordinance's often complicated language more clear on the city's website, and perhaps issuing mandatory release forms to prospective home buyers to warn them about the ordinance before they decide to purchase a house in the city, two ideas also expressed by the Earles last week.

Education and warning of the city's ordinance has come up before, most recently March 3 when the council urged Bolton to consider spending less time writing citations and more time planning outreach efforts to educate residents about the ordinance.

Bolton disagreed with the educational approach, arguing that he believes more residents know about the ordinance than they let on. A single citation carries more weight for residents than a slew of newsletter announcements or instructional courses, he said during his rounds of the city June 24.

"Just because you know the law doesn't mean you're going to spend the extra money to follow it; but that threat of a $1,000 fine?" He said with a smile. "That might change your mind."

Planning yard work or house renovations under the city's tree ordinance can be a tricky business; anything from installing a fence to removing a tree may require a permit, or even a site visit from the city arborist to avoid fines.

Check out the ordinance online for more details:

www.takomaparkmd.gov/public
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