

Naperville Area Homeowners Confederation

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March 24, 2015

Mr. William Novack
Director – Transportation, Engineering and Development
City of Naperville
400 S. Eagle Street
Naperville, IL. 60540

Subject: Confederation input on Legacy Tree Ordinance proposal

Dear Bill,

As we have discussed, The Naperville Area Homeowners Confederation Board of Directors has reviewed the proposal by Mr. Todd Mertz to create an ordinance controlling the removal by homeowners of healthy “legacy trees” on private property within the City of Naperville.

As part of our review, we invited Mr. Mertz to address our Board at one of our monthly meetings. He did this at the January Board meeting and we spent around 30 minutes discussing the issue with him. As follow-up to this meeting, we asked Mr. Mertz to prepare an article for our monthly newsletter outlining his proposals and rationale. With our newsletter downloaded over 600 times every month, we thought this was the best way to get the information in front of as many members and others within the community as possible.

Mr. Mertz did write an article and we ran it in both the February and March newsletters, soliciting member comment back to the Confederation on the proposal.

Among the comments received in response to the article were:

This proposal, if adopted by the Naperville City Council, would create an unnecessary burden on Boards that make conscious decisions with great thought each year as to how to maintain our property and keep it looking good.

The city doesn't require a permit for a homeowner to plant a tree; why should the city require a permit to remove a tree?

1. No one removes a large, mature tree on a whim. It is too costly.
2. It is private property and as a homeowner and taxpayer, I have the right to remove and install landscape as I see fit.
3. The form he would like homeowners to read and sign assumes they are uninformed idiots.

What we don't need is another ordinance. My property, my tree!

This proposed ordinance, as well intentioned as it appears on the surface, is in my opinion another attempt to over regulate and restrict private property rights. Homeowners should be able to do whatever they wish within the law on the own property without interference or the necessity to go through what in my view is a

frivolous permitting process. I support the retention of "legacy trees". A campaign to educate homeowners on the value of such trees seems to me to be a more appropriate approach to this issue.

While the Confederation Board tends to agree with these sentiments, we do feel that the City of Naperville could and should be doing more to help sustain our urban forest, including trees on private property.

Among the things the Confederation Board would like to see implemented is a requirement for a tree inventory/ preservation plan for work that requires a building permit for exterior construction. This would extend the current requirements for lots above 1.5 acres to all lots within the city and would particularly be directed at incidents where "infill" or teardowns are adversely impacting trees in already developed neighborhoods. This case by case review of trees worthy of preservation will help maintain neighborhood character while, by occurring during an already required plan review, minimize additional costs of administration and compliance.

We would also like to see increased compliance requirements for developers to follow their submitted preservation plans so that incidents such as last year's clear cutting of supposedly protected trees at the proposed Park's Edge development on Plank Road are not repeated.

As you know from our efforts to preserve ash trees in the face of the EAB blight, the Confederation stands firmly on the side of trees and supports economically and environmentally sound approaches to management of our urban forest. We do not believe, however, that this ordinance, as proposed, will either economically or aesthetically address tree preservation issues and instead will serve as a lightning rod for critics of regulation in general and forestry management in particular.

Please let me know if you have any additional questions. As always, the Confederation appreciates the opportunity to work, as neighbors, with the City of Naperville.

Sincerely,

Robert A. Fischer
President