

Submitted August 1, 2020

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Text plus one attached photograph.

We preface our appeal by saying that we support the move to protect trees in NOTL. However, the by-law is totally inflexible and allows no room for the by-law officer to exercise discretion. It seeks to prevent indiscriminate tree destruction by developers and individuals (of which we approve), but the home-owner wanting to enhance the appearance of their property by making minor changes to ornamental vegetation is caught in the same crude net

When we moved into the above property in May, 2019, we inherited an overgrown front garden. We wanted to re-landscape and enhance this area this summer, but plans to do so depend on replacement of the tree for which we applied for a permit. We first approached the NOTL by-law enforcement division on June 29, 2020, and the tree was not inspected and our questions answered until July 30. The delay was no fault of our own,

The ornamental tree we wish to **replace** is a pyramid cedar that was planted four feet from the house foundation when it was built about 18 years ago. The intent was for it to embellish the house. However, previous owners have never pruned it, and consequently it has grown very tall (approximately 20 feet). It now looks totally out of scale with the house; that is, it dominates the house and no longer complements it. We can understand large, broad-leaved deciduous trees being protected but not tallish, skinny conifers planted four feet from the foundation as this one is. Please see the attached photograph.

Furthermore, overgrown bushes at the base of the tree have been removed for re-landscaping, exposing an unsightly bare patch, measuring five feet by four feet, at the base of the cedar. Nothing will grow in this area because the cedar robs it of moisture and nutrients.

We acknowledge that the tree fits the criteria of a "Regulated tree" under By-law No. 5139-19: it is over 4.5 m tall and it has a DBH of at least 12.5 cm. However, we are asking for relief from the application of the by-law in this particular case for the reasons below:

1. 1. As an ornamental tree intended to enhance the house, its height and breadth in this location now detracts from the house, as cited above. We plan to REPLACE it with another ornamental tree such as a weeping purple beech or tri-colour beech. Unfortunately, because of delays in email responses from the Town, the best time to plant such trees is rapidly passing.
- 2.
2. 2. There is an ugly bare patch at the tree's base and nothing will grow there to cover it, as cited above. This detracts from the appearance of the property.
- 3.
3. 3. A major purpose of the by-law is to protect the tree canopy of NOTL. The tree in question has a miniscule canopy. It consists of three pointed tips, and the resultant "canopy" is generously estimated at 1.5 sq. m. (If all the pyramid cedars planted next to foundations in NOTL were taken down the total loss of canopy would barely amount to two of the several hundred trees that were eliminated at the rear of the Rand Estate!)
- 4.
4. 4. The By-law preamble states that the trees in the municipality "are valued for the benefits they provide such as increased aesthetic and property values, shade, prevention of soil erosion..." and so on. Aesthetic and property values will be enhanced by replacing our tree. The present tree, lacking anything approaching a canopy, makes virtually no contribution to shade, and being on a flat site has no role in preventing soil erosion. Therefore replacement of our tree would only add to the benefits espoused in the by-law and would not detract in any meaningful way.
- 5.
5. 5. Since our house was constructed in the early 2000s, other trees on the lot (notably a front yard linden, now occupying approximately one third of the front yard and a back yard black walnut, as well as others in the ravine) have contributed extensively to NOTL's tree canopy. While we realize that such considerations are not part of the by-law, we hope that Councilors will consider them and use them in their discretionary powers.
- 6.
6. 6. Since we moved into the property, we have planted five trees ranging from three-year to eleven-year saplings. This demonstrates our love of trees and it shows that we do not make our request lightly. We again ask that Council members use their discretion and take this into account when they make their decision regarding our appeal.

7.  
Thank you for considering this appeal. We think that if you canvassed your constituents you would find that our move to replace an overgrown, ornamental tree planted next to the foundation would have considerable support.

Respectfully submitted,

Mike and Judy Fox