

# MIDDLETON PLACE TREE POLICY

June 2018 (Revised August 2019)

**Foreword:** The Middleton Place Tree Policy is the result of efforts conducted by the ad hoc Infrastructure Study Committee (ISC), established by the Middleton Place Association (MPA) Board effective January 1, 2018. The ISC, working with three Certified Arborists, all members of the International Society of Arboriculture, and each of whom made an on-site visit(s) to inspect the community, was able to develop and send its recommended document to the MPA Board in May 2018 for final review and approval. This process was completed in time to formally announce and implement the policy effective in June 2018. This policy supersedes all previous policies and practices regarding tree management on Middleton Place property. All future tree work on Middleton Place property will be performed in accordance with this policy.

**Purpose:** Recognizing the many benefits of trees and the value they add to our community, the Middleton Place Tree Policy is established to provide guidance and continuity in maintaining and managing the urban forest of Middleton Place. It also will help protect our infrastructure and reduce risk to persons and property.

## Section 1: Tree Maintenance

- a. Every effort shall be made to leave the understory area of established trees undisturbed. Protection of tree roots within the dripline of trees during construction work is essential. If this is not feasible and construction cannot be modified to protect the tree roots inside the dripline, then the tree shall be considered for removal per section 2 of this policy.
- b. Selective thinning may be done to allow for maximum tree performance. Where crowding exists and thinning is recommended, smaller trees shall be considered for removal first. Selection of trees to be considered for removal shall be made in coordination with a Certified Arborist.
- c. All tree pruning shall be done in accordance with ANSI A300 Standard Practices.
- d. An annual inspection (Level 1) may be conducted, as determined by the MPA Board, by a Certified Arborist to address hazards and overall tree health.

## Section 2: Tree Removals

In all cases of tree removal the resulting stumps shall be ground and the residual surface leveled to blend with the surrounding area, and the affected area covered with pine straw. All tree removal shall be done in accordance with ANSI A300 Standard Practices.

a. Trees deemed dead, dying, diseased, or hazardous may be authorized by the MPA Board for removal at any time. A Certified Arborist may be consulted before any healthy tree is removed.

b. Homeowners requesting a tree to be removed shall fill out and submit a Change Request Form to the MPA Board. The Change Request Form will be reviewed by the MPA Board, and a decision to remove or not shall be determined by the MPA Board based on the guidelines within this policy. If approved, the tree removal will be completed at the homeowner's expense and liability. (See also paragraph 2.e., below.)

c. For vehicular/pedestrian safety and root/pavement interference, all trees within 6 feet of the pavement, as measured from the edge of the pavement to the nearest point on each tree trunk, shall be considered for removal. Any tree that is more than 6 feet away from the pavement, but the roots of which are impacting (or appear likely to impact) the pavement, also shall be considered for removal with MPA Board approval. Such removal will be accomplished prior to commencement of street resurfacing.

d. All trees within 6 feet of all MPA structures, as measured from the edge of the structure to the nearest point on each tree trunk, shall be considered for removal to protect these community assets, including retaining walls and maintenance buildings (such as an irrigation pump house). Any tree that is more than 6 feet away from the structures identified above, but the roots of which are impacting (or appear likely to impact) any one of these assets, shall be considered for removal with MPA Board approval.

e. Trees in close proximity to dwellings shall be considered for removal if such trees are impacting (or are projected to impact) dwelling foundations or courtyard structures. Identification of such problem trees may be made by the homeowner or through routine inspection by the MPA and/or an MPA-employed Certified Arborist. Removal of such trees shall be at MPA expense.

(Notice to Homeowners Regarding Liability: Property damage caused by above-ground portions of trees typically is covered by property insurance. The MPA carries property insurance on all common property. Property damage caused by tree roots typically is not covered by property insurance but generally is treated as an “act of nature” event similar to storms, flooding, etc. The MPA does not carry property insurance to cover tree root damage to either common property or private residences. Homeowners are encouraged to review their property insurance policies. The MPA will make reasonable effort to protect all property, both common and private, from tree root damage.)

f. Root pruning of trees that are causing or projected to cause damage to streets or driveways is not considered part of routine maintenance practices at Middleton Place. Root pruning may be considered on a case-by-case basis where patching of street surface is to be done prior to overall resurfacing. In lieu of root pruning, the subject tree may be considered for removal per paragraphs 1.a., 1.c., and 2.c., above.

g. Where the perimeter wall forms the back wall of a homeowner’s courtyard, should a tree within any such courtyard be deemed by the MPA Board to impinge on the stability of the perimeter wall, such tree shall be considered for removal at MPA expense.

### **Section 3: Tree Planting**

a. A homeowner who desires to plant a tree shall request approval from the MPA Board by filling out a Change Request Form and returning it to the MPA Board for review. A decision to plant or not shall be determined by the MPA Board based on the guidelines within this policy.

b. Planting stock should be a minimum of 2-inch caliper and 6 feet tall. All tree planting shall be done in accordance with ANSI A300 Standard Practices. No tree classified as large/medium maturing shall be planted within 15 feet of pavement or structures.



delinquency, whichever is greater, and shall constitute a lien on the Lot when filed of record in the office of the Clerk of Court of Moore County. In addition to such interest charge, the delinquent owner shall also pay such late charge as may have been theretofore established by the Board of Directors of the Association to defray the cost of the late payment. A claim of lien, however labelled, shall set forth the name and address of the association, the name and address of the record owner of the lot at the time the claim of lien is filed, a description of the lot and the amount of the lien claimed. The Association may bring an action at law against the Owner personally obligated to pay the same, or foreclose the lien against the property, and interest, late payment fee, fines, cost and reasonable attorneys' fees of such action of foreclosure shall be added to the amount of such assessment. No Owner may waive or otherwise escape liability for the assessments provided for herein by nonuse of the Common Area or abandonment of his Lot.

To the extent that any provision of the present Declaration or By-Laws conflict with this Amendment, then the provisions of this Amendment shall control.

IN WITNESS WHEREOF, Middleton Place Association of Southern Pines, Inc. has caused this instrument to be signed in its name by its duly authorized officer and the required number of owners have provided their written consent to this Amendment, the day and year first above written.

MIDDLETON PLACE ASSOCIATION OF SOUTHERN PINES, INC.

By: Richard Warren Getz  
President

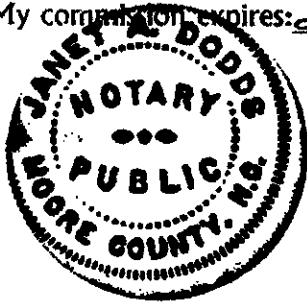
NORTH CAROLINA \_\_\_\_\_ COUNTY

I, Notary Public of the County and State aforesaid, certify that Richard Warren Getz [Name of official] personally came before me this day and acknowledged that he (or she) is President [Title of official] of Middleton Place Association of Southern Pines, Inc. a NC non profit corporation, and that he/she as President [Title of official], being authorized to do so, executed the foregoing on behalf of the corporation.

Witness my hand and official stamp or seal, this 7th day of November, 2000.

My commission expires: 2-2-2002

Janet A. Dodds  
Notary Public



NORTH CAROLINA-MOORE COUNTY  
The foregoing certificate(s) Janet A. Dodds  
a Notary/Notaries Public

is/are certified to be correct.  
This 9th day of November 2000  
JUDITH M. ADAMS, REGISTER OF DEEDS  
Judy M. Adams ASSISTANT/DEPUTY

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BOOK PAGE

