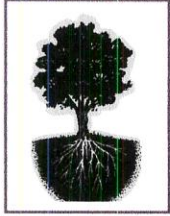


**2013 ADDENDUM
TO TREE PLAN:**

**55 EAGLE STREET,
NEWMARKET**

**BY CATHY V. BENTLEY
FORESTRY CONSULTING**
B.Sc.F., M.Sc.F., R.P.F., Certified Arborist

JANUARY 4, 2013



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January 4, 2013

Millford Development Ltd.
P.O. Box 215
Newmarket, ON L3Y 4X1

ATTN: Angela Orsi

2013 ADDENDUM TO TREE PLAN (DEC. 7, 2007)
MILLFORD DEVELOPMENT LTD., PROPERTY AT 55 EAGLE ST., NEWMARKET

I have followed up on your request to update the **Tree Inventory** on the property at 55 Eagle Street, and thereby address the issue of compensation for tree removal from the developable area of the subject property (**Tree Replacement Plan**).

In addition, I have addressed the peer review comments from Ruurd van de Ven, Arborvalley Urban Forestry Co. Inc. (letters dated March 19, 2012, 2 pp.; August 15, 2011, 2 pp.).

Sincerely,

Cathy V. Bentley, R.P.F.

Cathy V. Bentley B.Sc.F., M.Sc.F., R.P.F.
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BACKGROUND

I was retained by Millford Development Ltd., to prepare a Tree Plan for the above property, which was completed and dated December 7, 2007. In summary (Tree Plan, p.7), following field work and tree inventory on the potentially developable area of the property (above Top-of-Bank), I concluded that only 5 trees met the criteria to be preserved, protected or replaced (Tree Plan, p.6), according to the Town of Newmarket Tree Preservation, Protection, Replacement and Enhancement Policy (2006), which states that a tree must meet **ALL** of the following criteria to be considered:

- ✓ Significant (>30 cm dbh)
- ✓ In Good Condition*
- ✓ Located within 4.5 m of existing property line
- ✓ Native, non-exotic, AND non-invasive species; or identified on the Town's most current Recommended Plant List.

* Note that tree health rating in the Tree Plan is based on a visual assessment of a tree's general health, condition for long-term survival, growth habit and form.

In my Tree Plan, I recommended "replacement of the 5 trees of Significant Size, following the 'Aggregate Inch Replacement' method.

In Addendum to: Tree Plan, dated February 7, 2011 (2 pages), I updated my recommendations to include the 4 trees of Significant Size located within the developable area and exclude 1 tree located below Top-of-Bank.

The purpose of this Addendum is to update the **Tree Inventory** and thereby address the issue of compensation for tree removal from the developable area of the subject property (**Tree Replacement Plan**). In addition, my response to the 13 peer review comments from Ruurd van de Ven (Arborvalley Urban Forestry Co. Inc.; dated August 15, 2011) is included. I have also addressed the March 19, 2012 comments from the same.

Note that this Addendum follows the revised Tree Preservation, Protection, Replacement and Enhancement Policy (2008). A significant tree does not have to meet all of the criteria listed above, but a tree "must exhibit good biological health and condition for long-term survival", to be preserved or protected. It is understood that compensation is expected for trees that need to be removed due to construction, whether trees are in good, fair or poor condition.

TREE INVENTORY

The Tree Inventory was updated on September 26 and 27, 2011, after the Top-of-Bank (TOB), 6 m wide Top-of-Bank buffer, and property lines were re-surveyed and staked on site. Approximate locations of areas with existing trees (Areas A to Y) are identified on the attached **Tree Inventory Map** (p. 13), in relation to property and buffer lines. The trees were numbered with yellow, generally on the north side. Tree diameter was measured in cm at breast height (dbh; 1.3 m above ground).

A summary of this tree data is provided in the Table below.

Tree #	Species	Tree Size (dbh)	Health Rating, Condition & Notes
1	Area A: NW corner of Green & Ross Manitoba Maple (<i>Acer negundo</i>)	30cm; max.	Fair; multi-stem, wide spreading crown; 10 of 14 stems living; some deadwood; surrounded by asphalt on E. side, gravel on N. side
2	Area B: SE Corner Black Walnut (<i>Juglans nigra</i>)	32cm	Poor; poor structure; dead branch attached; deadwood; 1 main branch removed
3	Chinese Elm (<i>Ulmus chinensis</i>)	98cm	Poor; over mature; deadwood; trunk split at base, E. fork dead; loose bark
4	Manitoba Maple	18cm	Fair; crowded by Tree #3; healthy crown, some deadwood
5	Manitoba Maple	22cm	Fair; forked at base; some deadwood
6	Area C: <2 m E. of Property Manitoba Maple	57cm	Overmature; weak crotch; N/S row tallied S. to N. Fair; deadwood; forked above bh; protect
7	Manitoba Maple	42cm	Fair; deadwood; forked above bh; protect
8	Manitoba Maple	56cm	Fair; deadwood; forked above bh; protect
9	Manitoba Maple	56cm	Poor; open wound on E. side; 1 of 2 stems broken over wood fence; protect
10	Manitoba Maple	67cm	Fair; some deadwood; forked above bh; protect
10a	Area D: E. of Property White Spruce (<i>Picea glauca</i>)	35cm	Fair; some deadwood; protect
10b	Mountain Ash (<i>Sorbus aucuparia</i>)	17cm	Fair; weak crotch, forked below bh; protect
11	Area E: Open Field Apple/Crabapple (<i>Malus sp.</i>)	28cm	Dying; over mature; ½ removed; wounds
12	Apple/Crabapple	18cm; max.	Poor; over mature; multi-stem (7)
13	Area F: Mound near TOB Manitoba Maple	-	Dead (NOT FOUND & not numbered on site)
14	Manitoba Maple	23cm	Fair; low branched
15	Basswood (<i>Tilia americana</i>)	18,19cm; main stems	Fair; forked at base
16	Area G: Planted Evergreens Colorado Blue Spruce (<i>Picea pungens</i>)	42cm	Good; healthy crown foliage; lower branches dead
17	White Spruce (<i>Picea glauca</i>)	27cm	Dying; sparse foliage
18	Colorado Blue Spruce	57cm	Good; healthy foliage; lower branches dead
19	White Spruce	20cm; main stem	Fair; forked

<u>Tree Inventory, continued</u>			
Tree #	Species	Tree Size (dbh)	Health Rating, Condition & Notes
	<u>NATURAL HERITAGE SYSTEM (Areas H to R)</u>		
	<u>Area H</u>		
20	White Spruce	26cm	Fair; crown on E. side only; overcrowded
21	Eastern White Cedar (<i>Thuja occidentalis</i>)	25cm; main stem	Fair; forked; healthy foliage
22	White Spruce	30cm	Fair; forked; healthy foliage
	<u>Area I</u>		
23	Manitoba Maple	81cm	Dying; cracked; trunk split; new suckers alive
24	Manitoba Maple	-	Dying; only new suckers alive
24a	Manitoba Maple	64cm	Poor; leaning trunk, rotted at base- ½ trunk on ground; in buffer area
24b	Manitoba Maple	59cm	Poor; overmature; weak crotch; deadwood; in buffer
	<u>Area J</u>		
26	Eastern White Cedar	47cm	Poor; dead top; woodpecker holes
	<u>Area K</u>		
27	Basswood	36cm; max.	Fair; multi-stem; over mature; 20 of 24 stems alive
	<u>Area L</u>		
28	Manitoba Maple	50cm	Poor; fungi; forked; leaning; some deadwood
	<u>Area M</u>		
29	Eastern White Cedar	42cm >bh	Poor; forked @bh; declining; deadwood
	<u>Area N</u>		
30	White Elm (<i>Ulmus americana</i>)	45cm	Fair; forked @ 4 m; some deadwood; wound N. side
	<u>Area O</u>		
31	Black Walnut	40cm>bh; max.	Poor; some deadwood; forked @ 1m ht.; weak crotch; oozing open wound at base; approx. 4 m inside P/L
32	Black Walnut	66cm	Fair; forked crown; some deadwood; approx. 4 m inside P/L
	<u>Area P</u>		
33	Manitoba Maple	59cm	Dead
	<u>Area Q</u>		
34	Black Walnut	46cm	Fair; weak crotch; forked @ 2 m; deadwood
35	White Elm	49cm	Dead; weak crotch; overgrown by vines
	<u>Area R</u>		
36	Eastern White Cedar	32cm	Fair; crowded by #37
37	Eastern White Cedar	24cm	Fair; crowded by #36
47	Black Walnut	31cm	Fair; some dead branches
52	Norway Spruce (<i>Picea abies</i>)	49cm	Fair; lower branches dead
	<u>Area S: SW Corner</u>		
48	Eastern Cottonwood (<i>Populus deltoides</i>)	30cm	Dead tops of Eastern Cottonwoods Fair; some dead branches; leaning E.

<u>Tree Inventory, continued</u>			
Tree #	Species	Tree Size (dbh)	Health Rating, Condition & Notes
	<u>Area T: West Side</u>		
38	Eastern Cottonwood	48cm	Dead/Dying; top dead
39	Eastern Cottonwood	74cm	Poor; branches & branch ends dead; at NE. corner of Office property
49	Eastern Cottonwood	31 cm	Poor; twisted @ base; fork below bh; leaning E.
	<u>Area U: N. of Orthodontist Office</u>		
50	Scots Pine	30cm	Fair; lower branches dead
51	Scots Pine	33cm	Fair; lower branches dead; N. end of Area U
	<u>Area V: West Side</u>		
40	Manitoba Maple	35cm; max.	Poor; weak crotch- forked @ 1 m; growing into chain link fence
41	Eastern Cottonwood	42cm	Fair; lower crown dead; forked crown; sparse
42	Eastern Cottonwood	32cm	Poor; declining; trunk wound; lower crown dead
	<u>Area W: West Side</u>		
43	Eastern Cottonwood	47cm	Fair; lower crown dead; sparse
44	Scots Pine (<i>Pinus sylvestris</i>)	32cm	Fair; forked @ 4 m; lower branches dead; sparse
45	Scots Pine	34cm	Poor; foliage on W. side only
	<u>Area X: West Side (TOB)</u>		
46	Scots Pine - **below TOB**	35cm	Fair; overgrown by ivy; healthy upper crown; within 4.5m of P/L
	<u>Area Y: Near West TOB</u>		
25	Black Locust (<i>Robinia pseudoacacia</i>)	27cm	Fair; forked; crowded by Manitoba Maples

Other Trees

European White Poplar trees (*Populus alba*) were observed below the Top-of-Bank.

Endangered Species

Butternut (*Juglans cinerea*) is now protected and listed as Endangered (both federally and provincially), in the Endangered Species Act (2007). It is susceptible to the fungal infection Butternut Canker, which spreads rapidly once a tree becomes infected.

On September 26 and 27, 2011, I searched the subject property for Butternut trees. No Butternut trees were observed on the subject property, above Top-of-Bank.

TREE REPLACEMENT PLAN

In total, 56 trees were included in this updated inventory: 49 on the subject property and 7 on adjacent properties.

Trees #10a, 10b, 24a, 24b, 47, 48, 49, 50, 51, and 52 were added, since the original inventory and recent visible staking of property lines, Top-of-Bank, and 6 m buffer.

One tree should be omitted from the total: Tree #46, located below Top-of-Bank; it will not be affected by the proposed development.

Twelve of the 49 trees in this inventory, on the subject property, are less than 30 cm dbh and therefore are not considered of significant size (Trees #4, 5, 11, 12, 14, 15, 17, 19, 20, 21, 37, 25). An additional 6 trees are in Dead/Dying Condition (Trees #13, 23, 24, 33, 35, 38). In my opinion, these 19 trees (12 + 6 + 1) should not be considered for replacement or preservation. Therefore, 30 trees remain to be discussed.

In the Natural Heritage System (NHS) area (Tree Inventory: Areas H to R), there are 8 trees in Fair Condition (#22, 27, 30, 32, 34, 36, 47, 52) and 6 in Poor Condition (#24a, 24b, 26, 28, 29, 31), of Significant Size. The NHS area will be addressed separately as requested by the Town, in the Ecological Restoration Plan.

In the developable area, there are 16 trees: 2 trees in Good Condition (# 16, 18), 7 trees in Fair Condition (#1, 48, 50, 51, 41, 43 and 44) and 7 trees in Poor Condition (#2, 3, 39, 49, 40, 42 and 45), to be considered for compensation in accordance with the Town of Newmarket Tree Preservation, Protection, Replacement and Enhancement Policy (2008; Sections 1.0, 3.0).

Compliance

In the Tree Plan (Dec. 7, 2007), I recommended “replacement of the 5 trees of Significant Size, following the ‘Aggregate Inch Replacement’ method:

- 2 Colorado Blue Spruce (Trees #16 and 18) – in Good Condition; to be considered for compensation purposes
- 1 Black Walnut (#45) - located in the NHS area; the NHS area will be addressed separately in the Ecological Restoration Plan, and
- 2 Scots Pine (#45 and 46) - 1 Scots Pine is located below Top-of-Bank (#46) and will not be affected by the proposed development; 1 Scots Pine is in Fair Condition only (#45).

Based on the updated Tree Inventory, proposed Site Plan, the Top-of-Bank delineation and buffer, 16 trees of Significant Size (in Good, Fair or Poor Condition), in the developable area, may be affected by the proposed development. Initially, each tree was assigned a health rating by visual assessment. Using this health rating and field notes, compensation has been calculated by applying the condition factor to dbh: Good Condition at 50-75%, Fair Condition at 25-50%, and Poor Condition at 0-25%. Note that trees less than Significant Size (<30 cm dbh) and those in Dead/Dying Condition have not been considered for replacement or compensation.

These 16 trees should be replaced following the ‘Aggregate Inch Replacement’ method, according to the Town of Newmarket Tree Preservation, Protection, Replacement and Enhancement Policy (2008; Section 5.1). This requirement is 210 cm of diameter of new tree planting, such as 25 trees @ 8 cm dbh and 1 tree @ 10 cm dbh, or another combination of sizes to attain the total of 210 cm of diameter (30 trees @ 7 cm, etc.). I suggest that the species list for the tree replacements be prepared in coordination with the Site Plan. This will provide the opportunity to enhance the site with suitable species/sizes of trees. (Tree Plan, p.7)

The data and factors for calculation of this compensation diameter are provided in the following table.

Tree #	Species	Location (Area)	Dbh (cm)	Condition (%)	Compensation Diameter (cm)
2	Black Walnut	B	32	Poor - 20	6.4
3	Chinese Elm	B	98	Poor - 10	9.8
39	Eastern Cottonwood	T	74	Poor - 10	7.4
49	Eastern Cottonwood	T	31	Poor - 20	6.2
40	Manitoba Maple	V	35	Poor - 20	7.0
42	Eastern Cottonwood	V	32	Poor - 20	6.4
45	Scots Pine	W	34	Poor - 20	6.8
1	Manitoba Maple	A	30	Fair - 40	12.0
48	Eastern Cottonwood	S	30	Fair - 40	12.0
50	Scots Pine	U	30	Fair - 40	12.0
51	Scots Pine	U	33	Fair - 40	13.2
41	Eastern Cottonwood	V	42	Fair - 30	12.6
43	Eastern Cottonwood	W	47	Fair - 30	14.1
44	Scots Pine	W	32	Fair - 30	9.6
16	Colorado Blue Spruce	G	42	Good - 75	31.5
18	Colorado Blue Spruce	G	57	Good - 75	42.7
	TOTAL : 16 TREES				209.7

I recommend that new trees be planted within the Top-of-Bank buffer area, with a minimum spacing of 4.5 m from any building, walkway, fence or permanent structure (Section 5.7). For this application, potential survival rate, and also logistics of planting, I suggest small sized trees (≤ 10 cm diameter) are more appropriate than large diameter trees. Many native trees would be suitable for the site, from the 'Tree Selection List' (Town of Newmarket Tree Preservation, Protection, Replacement and Enhancement Policy, 2008; p. 8), including large trees (such as Sugar Maple, Red Maple, Hackberry, Red Oak, Weeping Willow, Black Willow, Larch, White Spruce, Eastern White Cedar), as well as smaller trees (such as Serviceberry).

Successful establishment of newly planted trees can be enhanced by regular maintenance, including post planting care. I recommend a maintenance program (Section 4.6) to include watering as required, fertilization with slow release fertilizer, and mulching. After 2 years, I recommend removal of stakes and guy wires, and pruning (for structure and crown cleaning). The maintenance program should follow Best Management Practices "Tree Planting" (2005) and "Tree Pruning" (2008).

TREE PROTECTION

Trees on adjacent properties must be protected, following the Town of Newmarket Tree Preservation, Protection, Replacement and Enhancement Policy (2008). In Area C, there are 5 trees located east of the subject property, less than 2 m from the property line (Trees #6-10). In Area D (north of Area C), there are 2 trees located east of the subject property, less than 4.5 m from the property line (Trees #10a and 10b).

For each of the 7 trees identified for protection on adjacent properties, Tree Protection Fencing (such as siltation control fencing) will be installed at the outer edge of the canopy (dripline) and also indicated on *Cathy V. Bentley Forestry Consulting DRAFT 2013 Addendum to Tree Plan, 55 Eagle St. Page 8 of 13*

plans, prior to construction. Location of the Tree Protection Fencing should be determined in the field with the Town Arborist (Section 1.3) and then inspected by the same after installation. There are no exposed roots. If roots are exposed or damaged during construction, they will be pruned back accordingly, at the time of damage, by a Certified Arborist. No other maintenance should be required, due to construction.

Protection of the 7 trees should also follow the industry standard ANSI A300 (Part 5; 2005) and Best Management Practices “Managing Trees During Construction” (2008).

Valuation of Protected Trees (for the Purpose of Posting Security)

The Town may require posting of securities for protection of these 7 trees, based on value of the trees as per Guide for Plant Appraisal, 9th Edition (Section 4.8).

Calculations For Tree Appraisal, using Trunk Formula Method:

Appraised Value = Basic Tree Cost x Species Rating x Condition Rating x Location Rating

Basic Tree Cost = Installed Tree Cost + (Unit Tree Cost x Appraised Trunk Increase)

- Local Installed Tree Cost: - for 7 cm diameter Silver Maple, to replace Manitoba Maple = \$490.
- for 3 m tall (9 cm diameter) White Spruce = \$800.
- for 6 cm diameter Mountain Ash = \$415.

Unit Tree Cost = \$6.51/cm²

Trunk Area for replacement trees: 6 cm diameter = 28 cm²; 7 cm dbh = 38 cm²; 9 cm dbh = 64 cm²

The following table contains the data and factors used to calculate appraised values for the 7 protected trees, located on adjacent properties east of the subject property.

Tree # and Species	Dbh (cm)	Health Rating	Trunk Area (cm ²)	Appraised Trunk Area Increase (cm ²)	Species Rating (%)	Condition Rating (%)	Location Rating (%)	Appraised Value
<u>AREA C</u>								
6. Manitoba Maple (<i>Acer negundo</i>)	57	Fair	2552	2552-38= 2514	39	40	20	\$530.
7. Manitoba Maple	42	Fair	1385	1385-38= 1347	39	40	20	\$290.
8. Manitoba Maple	56	Fair	2463	2463-38= 2425	39	40	20	\$510.
9. Manitoba Maple	56	Poor	2463	2463-38= 2425	39	20	20	\$250.
10. Manitoba Maple	67	Fair	3526	3526-38= 3488	39	40	20	\$720.
<u>AREA D</u>								
10a. White Spruce (<i>Picea glauca</i>)	35	Fair	962	962-64=898	72	60	40	\$1,150.
10b. Mountain Ash (<i>Sorbus sp.</i>)	17	Fair	227	227-28=199	55	40	60	\$230.
TOTAL								\$3,680.

In summary, the total appraised value for the 7 trees is \$3,680. Trees #6-10 are located on 1 property (Area C: total value of \$2,300.) and Trees #10a and 10b are located on a different property (Area D: total value of \$1,380.). The individual appraised tree values are provided in the table above. These results are based on my findings, conservative values for ratings, and following the requirements of the Town of Newmarket Tree Preservation, Protection, Replacement and Enhancement Policy (2008) and the Guide for Plant Appraisal, 9th Edition (2000).

TREE PRESERVATION

Some areas with existing trees may have the potential for protection or preservation of trees, such as along the buffer zone (Areas F and Y) or near the edges of the proposed development (Areas A, E, S, T, U, V, W). I suggest that the existing trees in these areas will not provide any asset and are not worthy of preservation for the following reasons (regardless of size):

- Area F, 2 trees in Fair condition- Manitoba Maple (**Tree #14**), poor growth habit (low branched); Basswood (**#15**), poor form (forked at base)
- Area Y, Black Locust (**#25**)- Fair condition, poor form (forked), crowded
- Area A, Manitoba Maple (**#1**)- poor growth habit (14 stems and widespreading crown), Fair condition (mature, with 4 dead stems), and compacted rooting zone (asphalt and gravel)
- Area E- the 2 trees (**#11** and **12**) are Dying or in Poor condition
- Area S, Eastern Cottonwood (**#48**)- Fair condition (leaning, mature with deadwood); root zone would be impacted by construction
- Area T, 3 trees (**#38-40**) are Dead or in Poor condition
- Area U, 2 Scots Pine (**#50-51**)- Fair condition (dead branches); within/near proposed development
- Area V, 2 trees in Poor condition (1 Manitoba Maple, **#40**; 1 Eastern Cottonwood, **#42**) plus 1 Eastern Cottonwood (**#41**)- Fair condition (sparse, lower crown dead); within/near proposed development
- Area W, Scots Pine- Poor condition (**#45**), plus 2 trees in Fair condition- 1 Eastern Cottonwood (**#43**), lower crown dead; 1 Scots Pine (**#44**), lower branches dead, sparse foliage, poor growth habit (forked); within/near proposed development

Note that the NHS area (Areas H to R) will be addressed separately in the Ecological Restoration Plan.

Based on the footprint of the proposed development, the observed condition of existing trees in the developable area, and the surrounding existing development, I recommend no additional trees for preservation on the subject property at this time.

SUMMARY

In total, 56 trees were included in this updated inventory (September 26-27, 2011): 49 on the subject property and 7 on adjacent properties. Approximate locations of areas with existing trees (Areas A to Y) are identified on the attached **Tree Inventory Map** (p. 13), in relation to property and buffer lines.

Tree Protection (7 Trees: #6-10, 10a, 10b)

The 7 trees on adjacent properties will be protected, as outlined above. The total appraised value for the 7 trees is \$3,680, for the purpose of posting security.

Other Trees (19 Trees)

Twelve of the 49 trees, on the subject property, are less than 30 cm dbh and therefore are not considered of significant size (Trees #4, 5, 11, 12, 14, 15, 17, 19, 20, 21, 37, 25). An additional 6 trees are in Dead/Dying Condition (Trees #13, 23, 24, 33, 35, 38). Another tree was omitted due to location below Top-of-Bank (#46). In my opinion, these 19 trees (12 + 6 + 1) should not be considered for replacement or preservation.

Trees in NHS Area (14 Trees)

Of the remaining 30 trees to be discussed, 14 trees are in the NHS area: 8 in Fair Condition (#22, 27, 30, 32, 34, 36, 47, 52) and 6 in Poor Condition (#24a, 24b, 26, 28, 29, 31). The NHS area will be discussed separately as requested by the Town, in the Ecological Restoration Plan.

Tree Replacement Plan (16 Trees)

Sixteen trees of Significant Size are in the developable area: 2 in Good Condition (#16 and 18), 7 in Fair Condition (#1, 48, 50, 51, 41, 43 and 44), and 7 in Poor Condition (#2, 3, 39, 49, 40, 42 and 45). They meet the requirements for replacement and are considered for compensation. Based on tree condition and the ‘Aggregate Inch Replacement’ method, the requirement is 210 cm of diameter of new tree planting. In summary, I recommend that we plant **26 new trees** (25 trees @ 8 cm dbh and 1 tree @ 10 cm dbh) within the 6 m Top-of-Bank buffer, on the subject property, as compensation for removal of the 16 trees due to construction.

As part of the Tree Replacement Plan, planting healthy specimen trees will enhance this property and add native species to the area at the same time.

Sincerely,

Cathy V. Bentley B.Sc.F., M.Sc.F., R.P.F.
I.S.A. Certified Arborist #ON-0184
PNW-I.S.A. Certified Tree Risk Assessor #1593

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REFERENCES USED

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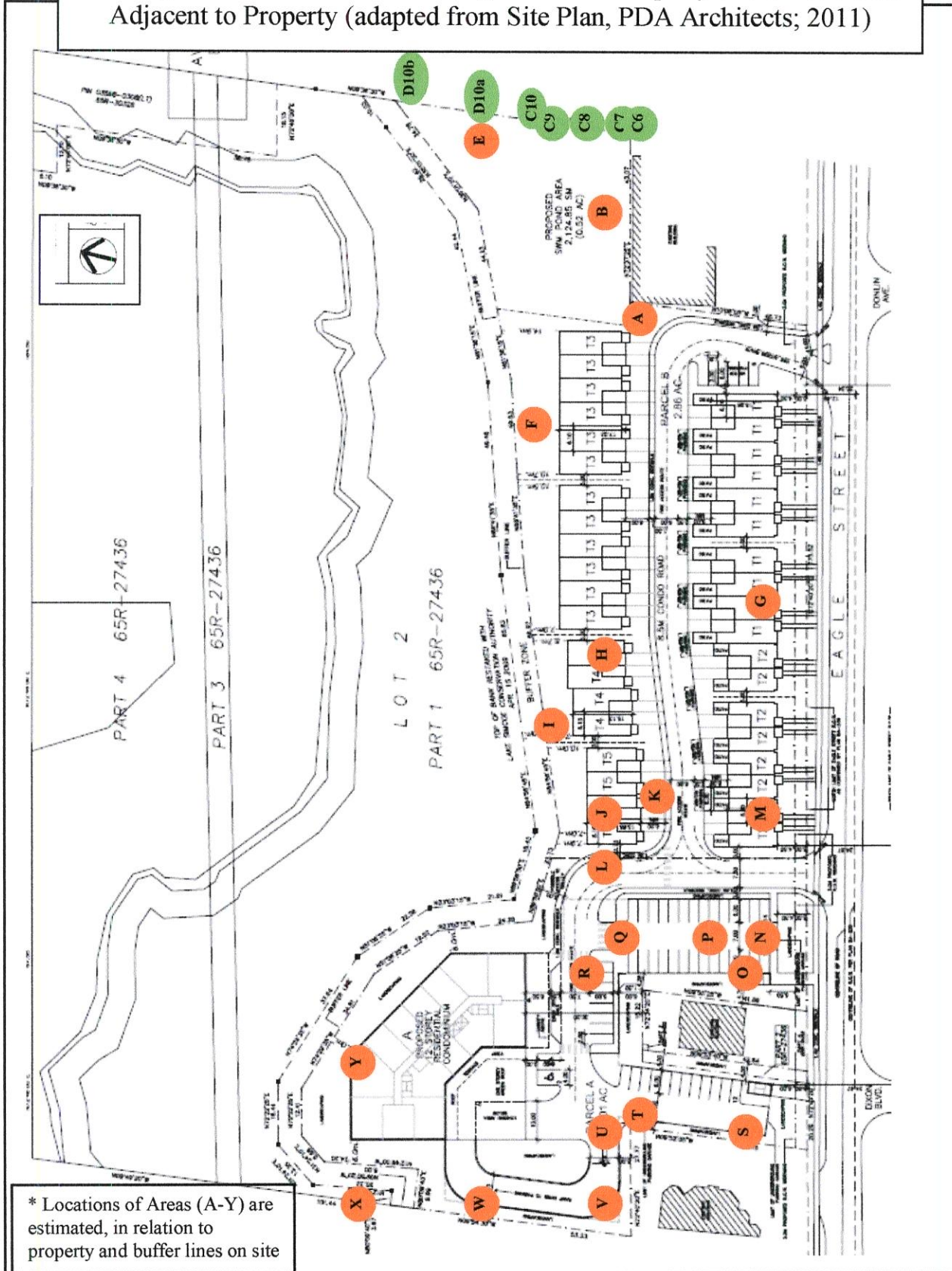
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Tree Inventory Map:

Existing Trees in Areas A-Y*- Orange Areas on Property and Green Areas Adjacent to Property (adapted from Site Plan, PDA Architects; 2011)



* Locations of Areas (A-Y) are estimated, in relation to property and buffer lines on site