



NORTHWOOD NEWS

Published Bimonthly by the Northwood-Four Corners Civic Association ■ April 2007

Styrofoam Recycling Now Possible—in Crofton, Md.

By Carole Barth

It's very frustrating whenever you have large quantities of something you can't reuse or recycle. You feel bad throwing it out, but what else can you do? So I was delighted to learn recently that Styrofoam—expanded polystyrene or EPS—can be recycled. (Specifically, I'm talking about the rigid packing material, not the loose packing peanuts. Most packing and shipping stores accept packing peanuts for reuse.) It turns out that EPS

can serve as feedstock for the manufacture of new EPS or it can be remanufactured to make coat hangers, CD jewel cases, and agricultural trays.

Unfortunately for home recyclers, most EPS recycling programs are geared to large commercial sources. You can, however, mail used EPS to the Alliance of Foam Packaging Recyclers or drop it off at their headquarters in Crofton, Md. (Since EPS is mainly air, it is relatively cheap to mail.) The used packaging should be clean, with no tape or cardboard included. If you're going to drop your EPS off, it should be in clear plastic bags. (You can pick up these bags at the Crofton location.) We had a little trouble finding the place, so I would recommend calling ahead for directions:

The Alliance of Foam Packaging Recyclers
1298 Cronson Blvd., Ste. 201
Crofton, MD 21114
410.451.8340
www.epspackaging.org

I plan to suggest that the county begin accepting EPS at the waste transfer station. In the meantime, I will see if we can arrange a special community pickup at one of our events. If you'd like to

help in this campaign, call Carole Barth at 301-593-7863 or email cbarth@mindspring.com. ■

Next Meeting On April 11th

The next meeting of the Northwood-Four Corners Civic Association will be held on Wednesday, 11 April 2007 at 7:30 p.m. at the North Four Corners Rec Center. The Rec Center is located at the end of Southwood Road, just off Edgewood Drive.

Montgomery County's Police Chief will be attending.

All residents of the Northwood-Four Corners-Forest Knolls area are invited to attend and express their views. Please note that only paid members of the NFCCA are eligible to vote. (Annual dues are \$10 per household and may be paid at the meeting.) ■

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PRESIDENT'S MESSAGE

It's unfortunate that we had to cancel the February meeting due to inclement weather. Amazingly, I'm writing this on Saint Patrick's Day and we're once again scraping ice. Given March's lion-and-lamb unpredictability, it seems odd that a cold-blooded amphibian would choose this time to breed. But the wood frog is uniquely qualified to handle cold weather; it is the only frog found north of the Arctic Circle.

This is because the wood frog has evolved a special technique to survive cold winters; it freezes solid. This involves a number of adaptations to redistribute water in the body, control the rate of freezing, and direct the formation of ice crystals. During the freeze, the frog's breathing, blood flow, and heart beat cease and as much as 65 percent of the water in its body gradually crystallizes into ice. Scientists are studying this phenomena, as well as the "cocktail" of specialized proteins and glucose which protect the frog's organs during freezing. (For more information on the research, go to www.exploratorium.edu/frogs/woodfrog/index.html. This page also explains why scientists think this ability evolved quite recently—just since the last ice age.)

As temperatures begin to warm in late winter/early spring, the frogs unfreeze and come out of hibernation. As the ground becomes saturated from snow melt and rain, they begin to migrate toward the breeding ponds. At night, during the first heavy downpour in February or March, you can find them moving en mass. Once at the pond, the males begin calling, sounding like ducks quacking or people chuckling. (To hear the sound go to www.enature.com/fieldguides/detail.asp?recnum=AR0033.)

You may remember two years ago, Robin Loube heard the frogs and wrote an article in the *Northwood News*, "Adventures in Frogland." At the time, however, we weren't sure if we were looking wood frog or leopard frog tadpoles, because their breeding periods overlap. This year I heard the frogs myself and saw some of them with their distinctive "robber's mask" and "white mustache." For lots more information on the wood frog (as well as great biodiversity information), go to animaldiversity.ummz.umich.edu/site/accounts/information/Rana_sylvatica.html. By the time you get this newsletter, the tadpoles should be well along; wood frog tadpoles can complete metamorphosis in just two months. Do walk down to the vernal pool along Northwest Branch and take a look. This has now become part of my ritual "welcoming spring" activities, just like looking for the first robin and the first wildflowers.

Amphibians are important environmental sentinels be-
(continued on page 3)

Crimewatch Email Ceases

As many of the recent crime-related messages are being posted to both the crimewatch and the general members email list, the little-used crimewatch list serve has been discontinued. All crime-related messages should now be posted to the general NFCCA email list. (Please note: you do not need to be a member of the Civic Association to participate in the NFCCA list, but we will restrict access to neighborhood residents only.) Send an email to nfcca-subscribe@yahoo.com to join. ■

NORTHWOOD NEWS

Northwood News is published by the Northwood-Four Corners Civic Association. The NFCCA represents the 1,493 households in the area bounded by Colesville Rd. (Rte. 29), University Blvd. (Rte. 193), Caddington Ave., and the Northwest Branch.

Any resident of this area is eligible to join the NFCCA. Annual dues are \$10 per household and may be paid at any Association meeting or mailed to the treasurer.

Northwood News is published five times a year—in October, December, February, April, and June. To place an ad or discuss a story, please contact the editor.

Editor

Jacquie Bokow
10603 Cavalier Drive
Silver Spring, MD 20901
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Creek and River Cleanup on Sunday, April 28

It's time for our annual spring cleanup of Lockridge Creek. This year will be our 17th cleanup. Join us on Sunday, April 28th, at 9:30 a.m. at the intersection of Lockridge Drive and Dennis Avenue. We will work our way north to the trail head.

Be sure to bring gloves and wear sturdy shoes, long sleeves, and long pants. We will also be removing invasive vines, so bring loppers and clippers if you want to help save trees. The rain date for our cleanup will be Sunday, May 6th.

We also need someone to volunteer the use of their van or truck to consolidate the trash for pickup by the county. If we can collect what we cut in one spot, the county has agreed to pick it up the following Monday.

If you would like to help with coordinating this event, or need more information, call Carole Barth at 301.593.7863 or email cbarth@mindspring.com. ■

CLASSIFIEDS

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classified costs only \$10/issue!

President's Message

(continued from page 2)
cause their porous skins make them vulnerable to pollution and because, to survive, they need a variety of connected habitats. They need the woods to forage in during the summer and fall, they need leaf litter or old stumps to hibernate in during winter, and they need vernal pools to breed in during the spring. Thus, it does frogs no good to preserve the wetlands without the forest uplands, and "cleaning out" fallen trees or raking up leaves destroys vital habitat.

Wood frogs seem to be doing fairly well in much of their range, but individual populations have suffered from suburban development filing in wetlands, cutting down forests, or building roadways which keep the frogs from reaching their breeding pools. To see how populations are doing in Maryland or to become a frog monitor, check out Frogwatch at www.nwf.org/frogwatchUSA.

So let the wood frog remind you that there is much that is precious as well as entertaining in our local environment. Come and join us for the spring creek cleanup (see article at left on this page) and the Charlie Pritchard Memorial tree planting (which will be scheduled for later in the spring) and help us keep our local environment strong and healthy for woodfrogs and other living things.

—Carole Barth

NECCA BOARD

The Board of Directors for the Northwood-Four Corners Civic Association meets five times a year, in October, December, February, April, and June. Current officers for 2006-2007 are:

President

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Northwood Real Estate Report

April 2007

Specialist in Northwood Market

Before you make any move in Northwood, Forest Knolls, or Kinsman Farm, I would be pleased to share my insights with you. Call today for my free Market Analysis.

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In Silver Spring, more people use me to help them Buy and Sell homes because of the high level and quality of service from the Barbara Ciment Team.

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Northwood Settled Properties

(January 1, 2007 – March 31, 2007)

| Address | Sale Price | Style | BR | BA | DOM |
|---------------------|------------|-------------|----|-----|-----|
| 312 Dennis Ave | \$435,000 | Colonial | 5 | 2 | 138 |
| 10702 Eastwood Ave | \$459,000 | Cape Cod | 5 | 2/1 | 38 |
| 418 Eisner St | \$459,000 | Colonial | 4 | 2/1 | 14 |
| 425 Kerwin Rd | \$440,000 | Cape Cod | 3 | 2 | 85 |
| 25 Kinsman View Cir | \$388,000 | Townhouse | 4 | 3/1 | 181 |
| 10713 Lockridge Dr | \$440,000 | Rambler | 4 | 3 | 92 |
| 830 Loxford Ter | \$480,000 | Colonial | 4 | 2/1 | 142 |
| 508 Royaltan Rd | \$413,000 | Cape Cod | 4 | 2 | 15 |
| 205 Thistle Dr | \$390,000 | Split Level | 4 | 2 | 81 |

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Montgomery County Settled Properties

(January 1, 2007 – March 21, 2007)

| Subdivision/Area/City | # Units | Aver. Price | DOM |
|--------------------------|--------------|------------------|------------|
| Burnt Mills/NW Branch | 3 | \$432,656 | 42 |
| Colesville | 7 | \$576,402 | 98 |
| Dumont Oaks | 6 | \$448,542 | 157 |
| Forest Knolls | 1 | \$470,000 | 142 |
| Kemp Mill | 7 | \$471,200 | 56 |
| Leisure World | 25 | \$261,334 | 97 |
| Northwood | 8 | \$421,284 | 81 |
| Sligo | 11 | \$399,639 | 95 |
| Springbrook | 3 | \$479,867 | 80 |
| Tivoli | 9 | \$438,247 | 66 |
| University Towers | 6 | \$202,397 | 89 |
| Woodmoor | 8 | \$503,849 | 76 |
| Woodside | 15 | \$631,467 | 52 |
| Forest Glen Metro Area | 19 | \$450,008 | 75 |
| Wheaton Metro Area | 26 | \$446,142 | 106 |
| Wheaton Regional Park | 15 | \$458,081 | 95 |
| Bethesda | 192 | \$865,626 | 87 |
| Chevy Chase | 60 | \$915,734 | 79 |
| Kensington | 44 | \$555,331 | 85 |
| Olney | 66 | \$512,210 | 92 |
| Potomac | 102 | \$879,401 | 116 |
| Rockville | 286 | \$491,765 | 89 |
| Silver Spring | 466 | \$420,026 | 90 |
| Takoma Park | 23 | \$459,843 | 87 |
| Montgomery County | 2,024 | \$517,307 | 93 |

Data subject to revision.

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This is not intended as a solicitation if your property is already listed with a real estate agent.

Mont. County Code Addresses Trash, Trucks, Parking

By Jack Ralph

As good citizens, we bag our trash, put it into our trash cans, put our cans into the blue container, and put our papers into the large blue wheeled storage container. We place them carefully put them on country property, next to the county tree, between our sidewalk and the gutter.

The trash collectors come along, empty the containers and leave them in the gutter, the driveway, or in the street, sometimes upside down. A phone call to the county offices at 240.777.6410 will correct this inappropriate work for several months. Then it is time to start again.

Tree Roots

The trees on county property between the sidewalk and the street will send roots under the ground and under the sidewalk, causing the sidewalk to raise at the section cracks, providing a possible location for tripping by walkers.

There is a telephone number extension at 240.777.1000 to call to request replacing the concrete sections (when the

cold weather has passed) and to have the county send someone to hack or ax the roots which make it difficult to mow the lawn. Remove of these roots will give you a lawn without bumps. In time, the roots, if uncut, will be under one's house foundation.

Commercial Vehicles/Trucks

Persons who park their commercial vehicles and trucks are limited by the county to one commercial vehicle per household. It is suggested that they attempt to park them in their driveway instead of against the curb, causing difficulty in driving on narrow streets.

Those with more than one commercial vehicle must seek permission from the county to park the extra vehicles. To get more information, or to lodge a complaint about a truck, call 240.777.6259.

Parking Too Close To an Intersection

Parking closer than 25 feet from a Thru Stop Street, usually blocking vision, is illegal and can be reported to the non-emergency phone number of the police. (See the box

below for the exact code.)

Just trying to help. If any of this bothers you, just make a phone call. ■

N-FC Park Update

By Carole Barth

I presented County Executive Leggett with a copy of NFCCA's conceptual plan for the park at his budget forum and suggested to him that our plan would be more cost-effective than MNCPPC's plan to spend \$6 million on a soccer field. On another occasion, I had an opportunity to talk briefly with Mary Bradford (Director of the Parks Dept. for MNCPPC) about their additional planning work for North Four Corners Park. She told me she had directed staff to consider locating the proposed new soccer field closer to University Boulevard and building a nicely landscaped wall between the field and the existing park in order to minimize the field's negative impacts on our community.

I reminded Ms. Bradford that our community's opposition to their plan was only partly due to impacts from the new field. I explained that residents also treasure the park's rolling terrain, unprogrammed open space, and natural resources, such as the 175 year-old walnut tree. I also said that there are security concerns due to the current lack of visibility caused by the unchecked growth of invasive vines. I questioned whether a wall would simply exacerbate these concerns. ■

Specific Montgomery County Codes

Cross Street Parking

3120(b)(3) No parking within 30 feet of a stop sign.

3117 No parking within 35 feet if there is *no* stop sign.

Commercial Vehicles

Regardless of what the truck or vehicle has printed on its side, it is the amount of weight (tare) that a truck can carry. Any truck that can carry a ton or greater is a commercial vehicle.

3114. A commercial vehicle *can* be parked in one's driveway.

3111. A commercial vehicle (one ton or more capacity), including a trailer, *cannot* be parked on the street.

The Budget Process: Slicing the Pie, Part III

By Carole Barth

Important Dates

■ First Week in April—

The Executive's recommended performance measures for County programs are submitted to the County Council

■ April 9, 10, 11 and 16

—Council budget hearings

■ May 24—County Council

approves the final budget

■ July 1—New fiscal year

begins

Operating Budget

The County Executive has proposed an operating budget of \$4.14 billion for fiscal year 2008 (a 6.7 percent increase). Leggett recommended increased spending in a number of areas: schools, affordable housing, seniors, gang prevention, public safety, and libraries. Unlike recent operating budgets, there would be no tax increase needed to support the FY2008 budget.

In his press release announcing the new budget, Leggett said, "I have been very concerned that increases in the last several years' budgets were, quite simply, at levels that are unsustainable. Last year's overall increase was nine percent." Council President Praisner agreed, saying, "But the Executive's proposed budget also recognizes that since both county and state revenue growth is slowing, the pace of budget growth must slow as well."

The budget includes a tax credit of \$613 per owner-occupied residential household. A new 311 call center would give citizens access to county

services with a single phone number. The Executive wants to hire 38 new police officers including six centralized gang task force officers. The county would assume maintenance responsibilities for MCPS stormwater management structures and the budget fully implements the new cross-lot drainage program. Seniors could ride Metrobus and Ride-On for free at all times. Park and Planning would get a 5.8 percent increase.

Of course, budget increases do not automatically

translate into improved services. How the money is spent and how programs are implemented make the difference. For example, even though the public schools account for about half of the budget, a student participating in the budget forum held at Northwood High School complained that there are not enough text books to go around.

For more details on the budget, see the County's website at www.montgomerycountymd.gov and click on the "FY'08 Budget" button. ■

A Matter of Consciousness— Bringing Your Own Shopping Bags

By Roxanne Mirabal Beltran
(*"Going Green on Glenwild"*)

I don't blink; neither does he. He hasn't let go and so I continue to stare and then, in a friendly but firm voice, restate my request. He stares back and asks, "Are you sure?" Of course I am! And so goes the exchange at our local Safeway at least the first couple of times I showed up with my own bags. Now when I go to the check out, neither one of us blinks an eye and I leave satisfied that, at least on that particular day, I didn't bring home an unneeded plastic bag.

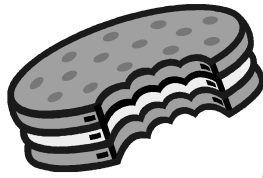
For the past couple of years, our family's answer to the "paper or plastic" dilemma has been "neither" (www.reusablebags.com). Keeping them in the trunk of my car, I have used my own

canvas bags virtually everywhere—from Whole Foods, Trader Joe's, Giant, and Safeway to Target, Value Village, and our local library.

There *are* some perks. Most stores give you a bag credit when you bring your own bags. It isn't much. At Whole Foods you receive a 5¢ refund on each bag you bring in. At Giant it's 3¢ per bag, but our local Safeway doesn't offer a discount (maybe something to write to the branch about?). Trader Joe's doesn't offer a discount either, but they do offer you a chance to sign up for their raffle every time you use your own bags (the prize is a free bag of groceries!).

But it isn't about the money. It is about the fact that the 14,000,000,000

(continued on page 7)



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Shopping With Your Own Bags

(continued from page 6)
plastic shopping bags that are used each year in the U.S. alone “don’t biodegrade, they photodegrade — breaking down into smaller and smaller toxic bits... [and] in a landfill, plastic bags take up to 1,000 years to degrade!” The ones that don’t make it to a properly contained landfill could end up killing one of the 100,000 marine animals that are killed each year due to plastic bags. I’m not just quoting exaggerated statistics. Just check out the BBC news website (<http://news.bbc.co.uk/1/hi/world/europe/2205419.stm>) and you will find that others in the world think it’s a problem too. Ireland levies a 15¢ plas-

tic shopping bag tax, Bangladesh bans polythene bags altogether, and retailers in South Africa face fines or even jail time if they hand out a “national flower” (so called because of the number of bags littering their streets).

I know they may be convenient, but once you find *your* reusable bag, you might never *want* to use a plastic one. I think one of the best bags are the Whole Foods bags. You can purchase these snazzy collectible bags at the check out for \$1 and they have a long handle that allows you to slip the bag over your shoulder, a very nice feature. They are also very strong (I use one for all of our library books) and

sturdy enough to stand on their own and allow easy loading. Giant also sells two different bags. There is a large green mesh one that costs \$3.49 with all proceeds going to the Blind Industries and Services of Maryland and there is another smaller blue canvas bag with longer handles from Earthwise that costs 99¢. Trader Joe’s also cost 99¢, with short handles, and a fun red and white print. But these are just those that you find in your local supermarkets... any reusable bag that is strong enough for groceries will work great!

What truly amazes me is that I still sometimes get funny stares when I use my own bags... you know, the
(continued on page 11)

You've heard the hype and discussions... is there truth behind this "truth"?
Come draw your own conclusions!

Join your fellow neighbors and the parents of Forest Knolls Elementary
as we foster our neighborhood community at our first "movie night"!

The North Four Corners Civic Association

in conjunction with the Forest Knolls PTA

bring you...

an inconvenient truth



Tuesday, April 24, 2007

6:30 pm

Panel discussion to follow at 8:30 pm

Babysitting available by Kids After Hours. Cost \$3 per child (no diapers).
Please email roxmb@yahoo.com or call 301-754-3828 by April 17th to register for babysitting.

NFCCA's First 'Movie Night'

The NFCCA's first "Movie Night" will be held on Tuesday, 24 April, at 6:30 p.m. at Forest Knolls Elementary School. *An Inconvenient Truth*, Al Gore's controversial film about global warming, will be shown. A panel discussion on the topics raised will follow the free movie for those who care to stay.

Babysitting will be provided by Kids After Hours at a cost of \$3 per child (no child may be in diapers), but you must register for the babysitting ahead of time. Contact Roxanne Beltran at roxmb@yahoo.com or call 301.754.3828 by April 17 to register for babysitting. ■

Seniors' Experiences After 2006 Hospital Stays Sought by COA

The Montgomery County Commission on Aging (COA) seeks input from county seniors and/or their caregivers about experiences upon discharge from the hospital. They are seeking to meet with seniors who were hospitalized for three or more days in a Montgomery County hospital in 2006.

Commission members will lead a discussion group on Thursday, 12 April, from 10:00-12:00 in the Art Room at the Margaret Schweinhaut Senior Center (1000 Forest Glen Road). The group is limited to 10 people. All information is confidential. The Commission is offering a

small gift for taking part.

If you are interested in participating, call Susan Keane, office coordinator for the Commission, at 240.777.1339. Please leave your name and phone number. A COA member will call you to discuss your participation. ■

Yard Sale 5/19

Margaret Schweinhaut Sr. Ctr. (1000 Forest Glen Rd.) will hold a Yard Sale on Saturday, 19 May 2007. Rent a space for \$10; rent a table for an extra \$10. Call 301-681-1255. (Donations of items for Center to sell accepted.) No shoes, clothing, or books. ■

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1/15/2007-3/15/2007**

| Active | List Price | Style | Bedrms | Full Baths | Half Bath | Days on Market |
|-----------------------|-------------------|--------------|---------------|-------------------|------------------|-----------------------|
| 1004 Playford Lane | \$495,000 | Split Level | 5 | 2 | 1 | 3 |
| 517 University Blvd W | \$499,944 | Cape Cod | 6 | 3 | 0 | 5 |
| 416 Royalton Rd | \$449,000 | Cape Cod | 4 | 2 | 0 | 12 |
| 404 Royalton Rd | \$459,000 | Rambler | 3 | 2 | 0 | 20 |
| 311 Marvin Rd | \$459,990 | Colonial | 3 | 1 | 1 | 12 |
| 10506 Edgewood Ave | \$439,000 | Split Level | 3 | 2 | 1 | 36 |
| 10710 Edgewood Ave | \$449,950 | Rambler | 4 | 2 | 0 | 14 |
| 205 Hannes St | \$449,000 | Rambler | 4 | 2 | 0 | 33 |
| 215 Thistle Dr | \$469,900 | Split Level | 5 | 2 | 1 | 195 |
| 317 Ladson Rd | \$399,000 | Cape Cod | 4 | 1 | 0 | 88 |
| 10707 Eastwood Ave | \$435,000 | Cape Cod | 3 | 2 | 0 | 90 |
| 1132 Loxford Ter | \$459,900 | Split Level | 4 | 2 | 0 | 106 |
| 827 Caddington Ave | \$449,950 | Split Level | 4 | 1 | 1 | 202 |
| Contract | | | | | | |
| 49 Kinsman View Cir | \$399,000 | Townhouse | 4 | 3 | 1 | 24 |
| 137 Kinsman View Cir | \$395,000 | Townhouse | 3 | 2 | 1 | 5 |
| 1003 Caddington Ave | \$449,950 | Rambler | 4 | 2 | 0 | 138 |
| 309 Dennis Ave | \$449,500 | Cape Cod | 4 | 1 | 1 | 20 |
| 125 Southwood Ave | \$459,000 | Cape Cod | 3 | 2 | 0 | 76 |
| Sold | | | | | | |
| 418 Eisner St | \$459,000 | Colonial | 4 | 2 | 1 | 14 |
| 508 Royalton Rd | \$413,000 | Cape Cod | 4 | 2 | 0 | 15 |
| 205 Thistle Dr | \$390,000 | Split Level | 4 | 2 | 0 | 81 |
| 10713 Lockridge Dr | \$440,000 | Rambler | 4 | 3 | 0 | 92 |
| 830 Loxford Ter | \$480,000 | Colonial | 4 | 2 | 1 | 142 |
| 10702 Eastwood Ave | \$459,000 | Cape Cod | 5 | 2 | 1 | 38 |
| 425 Kerwin Rd | \$440,000 | Cape Cod | 3 | 2 | 0 | 85 |
| 312 Dennis Ave | \$435,000 | Colonial | 5 | 2 | 0 | 138 |
| 25 Kinsman View Cir | \$388,000 | Townhouse | 4 | 3 | 1 | 181 |

** Information deemed reliable but not guaranteed **

12520 Prosperity Drive, Suite 105, Silver Spring, MD 20904 • 301-388-2600



You, Trees, and Montgomery County Law

By Linda Perlman

Roadside Trees

Trees growing within the right-of-way of a public road are considered “roadside trees” under the Maryland Roadside Tree Law. The public right-of-way generally includes not only the paved portion of the roadway, but also the sidewalk and any greenspace between the sidewalk and the road. Any activity that can affect the health of a roadside tree—such as removal, pruning, planting, and root cutting—requires a permit. However, no permit is required to cut down or trim a roadside tree that is unrooted or has its branches broken so as to contact or interfere with utility wires, or if the tree or its branches endanger persons or property.

Locally, roadside tree maintenance is performed by the Division of Highway Services of the Montgomery County Department of Public Works and Transportation (phone 240.777.7623) under a Roadside Tree Public Agency permit granted by the Maryland Department of Natural Resources (DNR). If a roadside tree on a state-maintained road (a numbered road, such as Route 29, Colesville Road) needs trimming or other maintenance, you should contact the State Highway Administration (SHA local field office phone 301.948.2477). Trees also are trimmed by various utility companies, most commonly PEPCO, to minimize problems caused by tree

branches interfering with electrical lines. (Asplundh is PEPCO’s tree contractor; you have probably seen their orange trucks on local streets.)

Trees located in the public right-of-way can be removed for a number of reasons, including the death of the tree, structural defects in the tree, and the declining health of the tree. Before removing a live roadside tree, a removal request must be made to the Division of Highway Services and a removal permit must be approved by DNR. The criteria for granting a live tree removal permit include the need to: (1) eliminate a hazard to property, public safety, or health; (2) improve or prevent the deterioration of other trees; or (3) improve the general aesthetic appearance of the right-of-way.

Dangerous Tree Conditions on Public Property

In order to hold a public entity—such as Montgomery County, the Maryland National-Capital Park and Planning Commission, or the State of Maryland—liable for an injury to a person or property resulting from a tree condition on public property or on the public right-of-way (for example, a tree falling on a car in traffic), the public entity must have been negligent.

To prove negligence, you would need to establish: (1) that the tree located on the public property or public right-of-way was in a dangerous condition on the date of the injury; (2) that the in-

jury was caused by the dangerous condition; (3) that the injury occurred in a way which was a reasonably foreseeable consequence of the dangerous condition; and (4) that the injury was caused by a negligent act or failure to act by an employee of the public entity; or, that the public entity knew, or should have known, of the dangerous tree condition sufficiently in advance of the injury so that the public entity could have taken proper measures to correct the dangerous condition and prevent the injury.

Encroaching or Overhanging Trees from Neighboring Property

What if a tree overhangs the property line or tree roots from a tree on an adjoining property cause damage to your driveway, foundation wall, or water line? For the most part, in Maryland, harm caused by encroaching branches and roots is not actionable and self-help is your exclusive remedy. The remedy of “self-help” means that you have the right to cut encroaching branches, roots, and other growth to the property line, but you may not enter the adjoining property to cut down the tree or cut back growth without the adjoining property owner’s consent.

A further limitation is that the self-help must be exercised in a reasonable manner. Thus, although you can remove branches and roots that cross the property line onto your property, you must

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Bringing Your Own Shopping Bags

(continued from page 7)
ones that say: oh, great, an environmentalist. But the thing is I don't consider myself one... I don't do enough to deserve the title! I'm just your average shopper that doesn't want to add more trash to our overloaded landfills! And I think it is really convenient. I don't need to double or triple bag my groceries, because my bags are sturdy enough not to break. I don't need to figure out where to store those pesky plastic or paper bags, because I keep my reusable ones in the trunk of my car. I don't struggle to figure out how to carry all of those random bags, because I just swing

my Whole Foods bags over my shoulder which leaves my hands free to hold my car keys and my Starbucks coffee.

Oh, yeah. That's another one. I love taking my own "commuter mug" to Starbucks. I don't "waste" a cup and they actually give you a whole 10¢ off your coffee (plus double the whip if you get a tall)! "In 2003, [Starbucks] customers used their own mugs 13.5 million times, which prevented more than 586,000 pounds of paper waste from reaching landfills! (www.starbucks.com/aboutus/StarbucksEnvironmentalFactSheetFebo4.pdf.) I mean if I must fulfill my coffee addiction, at least I can lessen it's environmental impact! But regard-

less of which bag or mug you end up using, the true point is that our family is always trying to find ways of practicing the other 2 R's we usually forget—reduce and reuse! We don't get tops or straws for our drinks anymore; we try to use tupperware versus ziplock bags; we are weaning ourselves of our paper towel use; these among the many other things we learn about along the way. They are just small little things that aren't really inconvenient, just a matter of consciousness. Care to share your ideas? ■

Parents List Serve

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You, Trees, and Mont. County Law

(continued from page 10)
take care not to uproot, unbalance, or otherwise cause irreparable harm to the tree on the neighboring property.

Responsibility for Fallen Trees or Tree Limbs (Private Trees)

Courts will look at a number of factors to determine the liability for fallen trees or limbs which originally grew on one property but fell onto another property. These factors include whether the tree was planted by someone or occurred naturally; whether the tree was dead, decayed, or otherwise in such poor condition that the owner knew or

should have known that the tree was dead or hazardous and, therefore, was on notice of a potential for the tree to fall; and whether some activity on the adjacent property, such as construction, caused the tree to fall.

In general, unless you can prove that your neighbor was negligent or had some notice of the danger, the incident will probably be considered an "Act of God" and you (or your insurance company) will be responsible for removing the neighbor's fallen tree from your property and for any damage caused by the fallen tree. ■



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