

# TOWN OF SHELBURNE TREE POLICY

## **I. Purpose**

The purpose of this policy to promote, protect, and enhance public health, safety, and general welfare by providing a policy governing the planting, maintenance, protection, and removal of trees, shrubs, and other woody plant material within public rights-of-ways and public places within the Town of Shelburne.

## **II. Authority**

The Select Board shall appoint a Tree Warden, under 24 V.S.A. § 871. The Tree Warden may appoint a Deputy Tree Warden under 24 V.S.A. § 2505. Through its Tree Warden, the Town shall have control of all Public Trees and shall have the authority to plant, maintain, protect and remove such trees. The Tree Warden, where possible, should be a person skilled or trained in forestry, horticulture or other closely related field.

No Public Tree shall be pruned, removed or harmed in any way without the written permission of the Tree Warden.

No person shall plant any tree within town right-of-ways or on town property without written permission of the Tree Warden.

## **III. Applicable Regulations**

The Town of Shelburne Public Works Specifications and Zoning Bylaws both address the planting of trees within the Town. Shelburne's Subdivision Regulations require the planting of trees along both sides of streets (Section 810(4)), although the precise location of plantings relative to the right-of-way is not specified. This policy is consistent with and provides supplemental detail to both documents.

## **IV. Definitions**

***Certified Arborist:*** A person certified by the International Society of Arboriculture as having specialized knowledge, experience, and training related to arboriculture.

***DBH:*** The diameter of a tree measured in inches at a height of four (4) feet five (5) inches from the finished grade at the base of the tree.

***Public Tree:*** All trees and shrubs for which any part of the trunk at DBH is located within the town right-of-way or on town property.

## **V. Tree Advisory Committee**

The Selectboard may appoint a Tree Advisor Committee for specific purposes as outlined in the Tree Committee's Charter. In general the Committee shall develop a written plan to include an inventory of all Town trees and for the planting and care of additional trees. They shall also educate the citizens of Shelburne about the benefits and care of this resource. In concert with Town staff, the Committee may apply for grant funds to accomplish the Tree Inventory and Plan, to plant and care for Town trees and other similar purposes.

## **VI. Construction in the Vicinity of Public Trees**

Any construction within 10 lateral feet of Public Trees requires consultation with the Tree Warden who may provide specific written requirements for additional protections of trees.

## **VII. Public Tree Planting, Maintenance and Removal**

The Town is supportive of planting and maintaining trees along its streets, roads and on other Town and private property. The benefits of street trees are well documented and this policy is consistent with and recognizes those benefits.

The Town shall have the right to plant, maintain and remove Public Trees as may be necessary to insure public safety, or to preserve or enhance the symmetry and beauty of public ways and places as set forth in the following guidelines.

### **1) Planting Specifications**

- a. Trees to be planted within town right-of-ways and on town property should be appropriate for the site, meet the intended planting functions and increase the overall tree diversity of the town. To help assure that appropriate trees are selected, trees shall be chosen by a licensed landscape architect, certified arborist or other appropriate professional staff with concurrence of the Tree Warden.
- b. The quality of Public Trees to be planted must conform to American Standard for Nursery Stock for landscape trees.
- c. All public trees shall be planted in accordance with American National Standards Institute (ANSI) A300 Standards for Tree Care Operations.
- d. Trees should be sited based on above and below ground site condition. Minimum offsets for intrusion elements should be as followed.
  - Light standard: 18 feet
  - Utility pole: 10 – 18 feet depending on cross arm size
  - Hydrant: 15 feet
  - Driveway: 10 feet
  - Cross walk: 5 feet
  - Transformer, connection box: 6 feet
  - Underground utility connection: 15 feet
  - Street sign: 6 feet

Exceptions may be granted only by approval of the Tree Warden.

### **2) Maintenance**

- a. All Public Tree care shall be in accordance with ANSI A300 Standards for Tree Care Operations.
- b. All contractors to work on Public Trees should have on staff a certified arborist.

### **3) Removal**

- a. The Town, in consultation with the Tree Warden, may remove or cause to be removed, any Public Tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to the municipal

infrastructure or other public improvements, or is affected with any injurious disease, insect, or other pest.

- b. If, in the opinion of the Tree Warden, a Public Tree constitutes no hazard to public safety and is determined to be healthy but needs to be removed, then the Tree Warden will warn a public hearing, giving two weeks notice, and shall be held in accordance with 24 VSA §2509. Written appeals must be submitted to the Tree Warden and Selectboard within two weeks. The Selectboard's decision is final.

**VIII. Obstruction of Streets and Sidewalks**

It shall be the responsibility of each property owner of any tree overhanging any town right-of-way or property to ensure the trees and shrubs on that property are maintained in a manner that will not obstruct: street lights from illuminating street level; the passage or visibility of vehicles or pedestrians; vision of traffic signs and signals; or the view of any intersection. If said owners fail to comply, the Town shall have the right to prune any tree or shrub on private property.

**IX. Tree Removal on Private Property**

The town shall have the right to cause the removal of any dead, diseased or hazard trees on private property within the Town, when such trees constitute a hazard to life and property, or harbor insects or disease which constitutes potential threat to other trees within the Town. The Tree Warden will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within sixty (60) days after the date of service of notice. In the event of failure of the owners to comply with such provision, the town shall have the authority to remove such trees and charge the owner for the cost of removal.

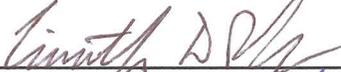
**X. Street Trees in the Village**

The Village is a densely settled portion of Town that includes a large portion of publicly owned property. Within the Village, buildings are closer together and closer to the street than in most other areas of Shelburne. The Village Plan includes streetscapes for the streets and roads within the village with trees planted in proposed green belts and in other areas. In this instance, consideration should be given to plant trees along the street and possibly within a green belt next to the street.

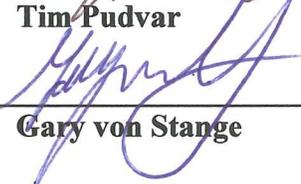
Adopted this 28<sup>th</sup> day of September, 2010.

  
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**Bob Roesler, Chair**

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**Bill Smith, Vice Chair**

  
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**Tim Pudvar**

  
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**Al Gobeille**

  
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**Gary von Stange**