

## Chapter 281:

### Trees, Grass , Brush and Weeds

Article I	Current	Proposed
<b>Permit required for:</b>	Removal of trees 12 inches in diameter measured at a height of 4.5 feet from the ground on any privately owned unimproved lot. No removal of protected trees on private property	Removal of trees 6 inches in diameter measured at a height of 4.5 feet from the ground on non public property within 5 feet of property line.
<b>Protected trees</b>	American elm or any other tree or species considered significant	American elm tree Replacement trees of smaller than 6 inch diameter and Trees that have been identified as such on a site plan, zoning variance, subdivision plan, special permit or landscape plan by a Land use Board
<b>Criteria for Removal</b>	Hardship, disease, interference with permitted use of property	Disease Emergency condition, dead or dying, hazardous. Interference with permitted use of property and is specifically identified for removal in wetland permit, subdivision plan or BAR approved landscape plan. Located near improvements (3' of sidewalk, driveway or roadway or 10' of drywell or permanent structure.
<b>Guidelines</b>		3 trees or less may be removed on a single lot in any 12 month period, provided they are not protected trees, not within 5' on any property line and provided that replacement trees are planted. For replanting, multiple trees may be required for larger trees. Plantings must be completed within one year of permit Where extensive tree removal is planned, Village Engineer may require that applicant retain a Tree Expert.
<b>Involved Officials</b>	Village Naturalist enforces ordinance, with Bldg Inspector determining removal of protected trees. Boards using criteria: Planning Bd, ZBA , and ARC	Village Engineer may grant or deny permit.(decision final). Permit will be issued or denied within 90 days. Village Engineer may issue a Stop Work Order if work not proceeding as planned. Tree Expert advises village regarding planting, growing, preservation of trees. Village Engineer and Building Dept ensure enforcement.
<b>Elements of Tree Plan/Survey</b>	For Planning Board, Zoning Board and ARC – Inventory of trees 4” diameter at 4.5 ‘ to 10” diameter at 4.5’( for site plan and preliminary subdivision applications). Tree Preservation Plan showing trees to be preserved. Tree Replacement plan may be required.	Village Engineer may require existing and proposed contours at 2’ intervals; detailing types, sizes, removals, replacements.
<b>Fines</b>	-\$250 max., or 15 days imprisonment or both. Each tree is a separate violation. Civil penalty is \$100 for each tree. Tree replacement required for violators; multiple trees may be required for larger trees	Same as current. Civil penalty increased to \$500 each tree. If tree replacement not feasible, payment to Tree Preservation Fund must be made

The additional Articles II (new), III (existing), IV(existing), V, and VI address rules and rights related to public right of ways. The articles talk about distributions lines for utilities, the contribution that tree removal has on stormwater and drainage, infestations, harmful plants, protected trees, the interfacing of private property owners with trees in public areas, dumping of deleterious substances. Rules apply in all of these situations with potential fines and jail time applied for violations.

