

## **Town of Thetford Tree Policy**

This policy references: Vermont Statutes: title 24, § 2501-2511; title 19, §702 §901-904.

### **Narrative:**

**Right of Way:** The municipal easement, or right of way, for highway purposes is 49.5 feet or 24.75 feet each side of the centerline of the currently existing highway but may be wider for the public benefit of a road. Right of way can also be delineated by stone walls or other survey monuments, and the existing traveled roadway might not be centered in the right of way. The abutting landowner is stopped from exercising his or her full rights to the land within the right of way. The municipality has the authority to address trees and plantings growing within the easement following guidelines set forth in this policy. The town is obligated to maintain the roads to certain standards that are dictated by a road's classification under state statute.

**Public Places:** encompass cemeteries, ground of public buildings, greenways, parks, and town forests, road right of ways and any other land owned by the municipality.

**Tree Warden:** Qualified volunteer appointed by the Town Select Board. The Tree Warden oversees trees and plantings of the Town's Public Places. The Tree Warden is the Town's liaison between the citizenry and the Town Select Board, reporting on horticultural and silvicultural issues as they present themselves and/or are brought to their attention. They make the final decision for the removal and/or care of plantings and conduct public hearings when it is proposed that trees or plantings be removed from a residential area, or any other invasive action.

**Trees:** A planting (natively occurring or ornamental) greater than 6 inches at breast height and/or taller than 15 feet.

**Plantings:** Any plants, native or ornamental, cultivated by a citizen and/or the municipality.

**Select Board:** Is responsible for maintaining the usefulness and safety of town roads; decides appeals of any decisions and application of the Tree Policy.

**Highway Department:** Performs and/or oversees road maintenance, including tree and brush removal.

### **Pertinent Thetford Town Policies:**

1. The Town maintains compliance with all State statutes and regulation when performing roadwork and is dedicated to the preservation of its forests health and esthetics.
2. The Tree Warden may be contacted with any tree and/or planting related issue.
3. All work performed by the town and/or its designees on tree(s) and/or planting(s) shall comply with American Arborist Society standards for care and pruning.
4. **Non-emergency removal of tree(s) and/or plantings** that are deemed actionable (this can be done by anyone,) will take the following steps:

- a. A request is submitted to Highway Foreman, Road Commissioner, Tree Warden, or Select Board to have tree(s) and/or planting(s) removed.
  - b. The Road Commissioner and/or Highway Foreman will describe the location and proposed work to the Tree Warden.
  - c. The Road Commissioner(s) will confirm the width of the Town right of way and property lines of abutters, and measure and mark the location(s), flagging tree(s) and/or plantings that are to be removed.
  - d. The Tree Warden, and/or their designate, will provide an opinion to the whether the proposed work would require cutting of tree(s) and/or planting(s) subject to this ordinance and issue a written decision to the Select Board.
  - e. If removal is deemed warranted by the Tree Warden, within 10 days of filing their report(s) the Road Commissioner(s) will notify the Highway Foreman and Select Board, and send notification letters with delivery confirmation to all affected property owners of the tree(s) and/or planting(s) removal. The letter will contain date of removal and the procedures for requesting a formal hearing with the Select Board and any other applicable information. The Highway Foreman will schedule non-emergency tree removal and notify the Road Commissioner of intent to cut, unless an appeal of the decision by the Select Board is requested by interested parties.
5. **Emergency removal of tree(s) and/or planting(s)** is warranted when ingress/egress is blocked, public safety is at risk, and/or further damage may occur from the conditions. When such emergencies arise:
- a. The party who is responsible for removing the tree(s) and/or planting(s) will file an incident report in the Town Clerks Office.
  - b. The Town Clerk will inform the Tree Warden, Road Commissioner, Select Board, and affected property owner(s), if any.
6. **Tree or Planting outside of the public right of way.** There are situations whereas Trees or Plantings outside the public right of way may threaten town assets or public safety, and the town reserves the right to protect said assets and safety. The process for removing trees outside the town right of way is the same as the process above for the **Non-emergency removal of tree(s) and/or plantings.**

## **Addendum:**

(Note: For the most current issue of pertinent Vermont State Laws please see:)

(<http://www.leg.state.vt.us/statutes/statutetextsearch.cfm>)

## **Pertinent Vermont State Laws:**

### **§19VSA901 Removal of Roadside Growth**

A person, other than the abutting landowner, shall not cut, trim, remove or otherwise damage any grasses, shrubs, vines or trees growing within the limits of a state or town highway, without first having obtained the consent of the agency of Transportation for state highways or the board of selectmen for town highways.

### **§19VSA904 Brush Removal**

The selectmen of a town, if necessary, shall cause to be cut and burned, or removed from within the limits of the highways under their care, trees and bushes which obstruct the view of the highway ahead or that cause damage to the highway or that are objectionable from a material or scenic standpoint. Shade and fruit trees that have been set out or marked by the abutting landowners shall be preserve if the usefulness or safety of the highway is not impaired. Young trees standing at a proper distance from the roadbed and from each other, and banks and hedges of bushes that serve as a protection to the highway or add beauty to the roadside, shall be preserved. On state highways, the secretary shall have the same authority as the selectmen.

### **§24VSA2502 Tree Wardens and Preservation of Shade Trees**

Shade and ornamental trees within the limits of public ways and places shall be under the control of the tree warden. The tree warden may plan and implement a town or community shade tree preservation program for the purpose of shading and beautifying public ways and places by planting new trees and shrubs; by maintaining the health, appearance and safety of existing trees through feeding, pruning and protecting them from noxious insect and disease pests and by removing disease, dying or dead trees which create a hazard to public safety or threaten the effectiveness of disease or insect control programs.

### **§24VSA2504 Removal of trees, exception**

The tree warden may remove or cause to be removed from the public ways or places all trees and other plants upon which noxious insects or tree diseases naturally breed. However, where an owner or lessee of abutting real estate shall annually, to the satisfaction of such warden, control all insect pests or tree diseases upon the trees and other plants within the limits of a highway or place abutting such real estate, such trees and plants shall not be removed.

### **§25VSA2505 Deputy tree wardens**

A tree warden may appoint deputy tree wardens and dismiss them at pleasure.

### **§24VSA2506 Regulations for protection of trees**

A tree warden shall enforce all laws relating to public shade trees and may prescribe such rules and regulations for the planting, protection, care, or removal of public shade trees, as he deems

expedient. Such regulations shall become effective pursuant to the provisions of chapter 59 of this title.

#### **§24VSA2508 Cutting shade trees; regulations**

Unless otherwise provided, a public shade tree shall not be cut or removed, in whole or in part, except by a tree warden or his deputy or by a person having the written permission of a tree warden.

#### **§24VSA2509 Hearing (Public participation)**

A public shade tree within the residential part of a municipality shall not be felled without a public hearing by the tree warden, except that when it is infested with or infected by a recognized tree pest, or when it constitutes a hazard to public safety, no hearing shall be required. In all cases the decision of the tree warden shall be final except that when the tree warden is an interested party or when a party in interest so request in writing, such final decision shall be made by the legislative body of the municipality.

#### **§24VSA2510 Penalty**

Whoever shall, willfully, mar or deface a public shade tree without the written permission of a tree warden or legislative body of the municipality shall be fined not more than \$50.00 for the use of the municipality. Any person who, willfully, critically injures or cuts down a public shade tree without written permission of the tree warden, or the legislative body of the municipality shall be fined not more than \$500.00 for each tree so injured or cut, for the use of the municipality.