

**TOWN OF BELMONT  
REGULATIONS FOR PROTECTION AND PRESERVATION OF  
PUBLIC SHADE TREES DURING CONSTRUCTION**

**I. PURPOSE AND AUTHORITY**

These Regulations for the Protection and Preservation of Public Shade Trees during Construction are promulgated by the Town of Belmont Tree Warden pursuant to Massachusetts General Laws Chapter 87, Section 2. The purpose of these Regulations is to provide for the protection of Public Shade Trees from adverse effects of construction activities in order to ensure the long term health of such Trees and thereby promote the health and welfare of the public.

**II. APPLICABILITY**

These regulations shall apply to the construction of any new building or other structure, the construction of any exterior addition, extension or alteration of an existing building or other structure, the expansion or alteration of an existing driveway, or the establishment of a new driveway on any Project Site abutting a public way (“the Construction Project”).

**III. PROCEDURES**

A. Prior to the commencement of any construction activities in connection with a Construction Project, written application shall be made to the Town of Belmont Tree Warden for a determination as to whether there are any Public Shade Trees abutting the project site that requires protection from the proposed Construction Project (“Application for Determination”). It is presumed that all Public Shade Trees are in need of such protection unless the Tree Warden determines otherwise, in writing, within 14 days of receiving the Application for Determination.

B. The Application for Determination shall include a brief description of the proposed construction project and a copy of a certified plot plan of the Project Site, showing the location and extent of the proposed Construction Project, and the location of all Public Shade Trees located within or on the boundaries of the section(s) of the public way(s) abutting the Project Site. The Application for Determination shall also specify whether permission will also be sought pursuant to G.L. c.87, §3 for removal or cutting of any such Public Shade Trees. Finally, the Application for Determination shall include proposed plans for avoiding or mitigating potential damage to the Public Shade Trees during construction, such as placement of a temporary barrier or fencing in a manner which will protect the Public Shade Tree(s), including the root system.

C. Within 14 days of receiving the Application for Determination, the Tree Warden shall issue a written determination as to whether or not there are Public Shade Trees abutting the project site which require protection due to the proximity and/or nature of the proposed Construction Project. If the Tree Warden determines that there are Public Shade Trees which require protection, said written determination shall also either approve, or approve with specified modifications, the Applicant’s proposed mitigation plan.

D. No building permit shall be issued for any Construction Project governed by these Regulations until the Tree Warden has either: (1) determined, in writing, that there are no Public Shade Trees abutting the Project Site which require protection; or (2) approved, in

writing, a proposed mitigation plan for protection of the Public Shade Tree(s) from potential damage; and/or (3) issued a written permit to the Applicant for the removal or cutting of such Public Shade Tree(s) in accordance with G.L. c. 87, §3.

**DEFINITIONS**

- A. **Construction Project** – The construction of any new building or other structure, the construction of any exterior addition, extension or alteration of an existing building or other structure, the expansion or alteration of an existing driveway, or the establishment of a new driveway, subject to these Regulations.
- B. **Public Shade Tree** – Any tree within or on the boundaries of a public way other than a State Highway, and as further defined in Massachusetts General Laws Chapter 87, §1.
- C. **Project Site** – The parcel of land upon which the Construction Project is to be located.
- D. **Tree Removal** – Any act or failure to act that will cause a tree to die within a three-year period, and may include the cutting of the trunk, limbs or roots of a tree.

**V. PENALTY**

The penalty for each violation of these Regulations shall be twenty (20) dollars.

**VI. EFFECTIVE DATE**

These Regulations were promulgated by the Town of Belmont Tree Warden on **(date)**.

**(Signature of Tree Warden)**  
Tree Warden

Approved by the Town of Belmont Board of Selectmen \_\_\_\_\_  
\_\_\_\_\_  
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Dated: \_\_\_\_\_