

6.80 REMOVAL OF NON-HAZARDOUS SHADE TREES

Trees are recognized as an asset to the community, providing a more healthful and beautiful environment in which to live. Trees and other vegetation provide oxygen, shade, protection from wind, glare, and noise, view barriers, wildlife habitat, aesthetics and a priceless psychological counterpoint to the man-made urban setting. Preserving trees is economically beneficial in attracting new residents, visitors and industry. When grown in the right place and proper varieties, trees enhance the value and marketability of property and promote the stability of desirable neighborhoods and commercial areas.

This bylaw is to be used for the removal of any non-hazardous public shade tree by any individual, utility, organization, corporation, or agency other than the Town of Sturbridge. Actual removal shall only be performed by those permitted by the Tree Warden. Public shade trees shall, for the purpose of this bylaw, only include those trees which are within a public way or on the boundaries of any public way, as defined under MGL, Ch. 87. Public shade trees shall not be removed other than by or on behalf of the Town, without suitable compensation to the Town by the applicant, for replacements. The value of existing shade trees for compensation purposes, is to be calculated on an inch-by-inch basis, measured at D.B.H. (Diameter at Breast Height). All replacements shall be at least two (2) inch diameter, nursery grown stock. Cost of replacement trees is to be obtained from the latest edition of the McMahan Heavy Construction Guide, or any successor thereto or any equivalent cost guide approved by the Tree Warden. At the discretion of the Tree Warden, the applicant shall either:

- (a) Arrange to plant suitable replacements using his own contractor, working to the Town's specifications or;
- (b) Make a cash contribution to the Town based upon the replacement cost estimate described above to be used exclusively for the purchase and planting of replacement trees to the satisfaction of the Tree Warden.

6.81 THIS BYLAW IS TO BE FOLLOWED FOR ALL PUBLIC SHADE TREES EXCEPT

- (a) Trees that are determined by the Tree Warden to be dead, diseased, or dangerous. A dangerous tree is one that is likely to fall, or significant portions are likely to fall under mild environmental conditions.
- (b) Deciduous trees that are less than five(5) inches in diameter that are, in the opinion of the Tree Warden, of no significant value. Diameter is measured at breast height (D.B.H.)
- (c) Conifer trees less than eight(8) inches D.B.H.

(d) Any size tree of the following species: Poplar, Cherry, Locust, Gray Birch and Black Birch.

6.82 ANY APPLICANT WHO WISHES TO REMOVE A NON-HAZARDOUS PUBLIC SHADE TREE RESPONSIBLE FOR THE FOLLOWING EXPENSES:

- (a) Legal advertising
- (b) Cost of removal of tree stump, including the hauling away of all debris, and filling the stump hole.
- (c) Planting of sufficient replacement trees to fulfill the requirements of this bylaw.
- (d) Cost of police traffic details, repair of street surface and road shoulder, protection and restoration of utility service.
- (e) All other costs related to removal and replanting.

6.83 TRIMMING AND PRUNING, OR WORKING IN THE PROTECTED ROOT ZONE OF PUBLIC SHADE TREES

If an applicant proposes to trim, prune, dig, trench, or alter the existing ground line by filling or excavating within the Protected Root Zone of a public shade tree, and if, in the opinion of the Tree Warden, the proposed work will adversely effect the health, beauty, structural integrity or safety of the tree, the Tree Warden may consider the proposed work to have the same effect as removal of the tree. In those cases, the Tree Warden may either order the removal of the tree, or allow the tree to remain, provided that it does not present an immediate hazard. In either case, the appropriate replacement plantings must be provided by the applicant in accordance with Section 6.80 hereof. The protected Root Zones for all trees subject to this bylaw are as shown on the table below.

Protected Root Zones	
Tree Diameter at 4.5" Radius of P.R.Z.	
2.0" - 4.1"	2.0 feet
4.1" - 9.0"	5.0 feet
9.1" - 14.0"	10.0 feet
14.1" - 20.0"	12.0 feet
20.1" or greater	15.0 feet

6.84 APPROVAL OF TREE REMOVAL CONTRACTORS

The tree removal contractor to be paid for by the applicant, must be approved by the Tree Warden as to equipment, qualifications and experience. The tree removal contractor shall provide certificates of insurance, satisfactory to the Town in the following amounts:
\$100,000 Workmen's Compensation \$300,000 Bodily Injury
\$300,000 Property Damage, \$1,000,000 Excess Liability

6.85 BONDING

If at the sole discretion of the Tree Warden, it is determined that the applicant shall submit a bond to secure performance of the tree removal services, the applicant shall submit such a performance bond, in a form and amount approved by the Tree Warden, issued by a bonding company authorized to do business within the Commonwealth of Massachusetts, prior to the commencement of any work pursuant to this bylaw. Said bond shall specifically secure the following costs and services:

- (a) Cost of removal of tree and stump, including the hauling away of debris, and the proper filling of the stump hole
- (b) Cost of police traffic details, repair of streets surface and the road shoulder, protection and restoration of utility services.
- (c) All other costs related to the removal and planting

6.86 MINIMAL STANDARDS

All tree work shall be performed in compliance with ANSI Z-133 and National Arborist Association standards. Applicant must guarantee the health of the replacement tree for three (3) years from the date of planting.

6.87 RIGHT-OF-WAYS

Replacement trees shall be of such size and species as specified by the Tree Warden, and will be planted on public property, along right-of-way and on setbacks as allowed by MGL Ch. 87, §7. All planting locations shall be determined by the Tree Warden.

6.88 REFUSAL TO GRANT PERMIT

Nothing in this bylaw shall be deemed to compel the Tree Warden to permit the removal of any non-hazardous tree. The Tree Warden may refuse to grant the permit for the removal of a non-hazardous tree if, in his opinion, the tree is of historical or scenic value, is of a size or species not commonly found along the roadways of Sturbridge, has significant wildlife value, or is an unusually healthy or significant specimen.

6.89 APPEAL

All decisions of the Tree Warden may be appealed to the Board of Selectmen