

## **TREE POLICY APPENDIX I: GENERAL**

### **I. PURPOSE**

Urban and community forests are the trees, plants and associated ecosystems anywhere where people live, play and work. Our landscape is a continuum from rural forest to city center. Trees and shrubs along streets, in parks, or in cultivated landscapes make up the characteristics of the urban and community forest. Trees, plants, soils, air, and water are part of the features of an ecological system that supports wildlife, a clean environment and a healthy home for humans. The health of the forest ecosystem affects the quality of the water we drink, the air we breathe, the economic stability of our neighborhoods, and our sense of community and individual pride. Activities such as planting trees, gardening, teaching young people about nature, creating a land use plan bring diverse people together, strengthen our connection to the landscape, and improve the quality of life for the benefit of all. The growth of our urban and community forests helps sustain our sense of pride, our local economy, and our quality of life. Droughts cause stress in urban forests, reducing the benefits of cooling, clean air, and carbon storage provided by trees. Because human populations are growing in most U.S. cities, it will become increasingly important to maintain healthy, productive urban forests. Scientists, urban foresters, local residents, and town committees, such as BARC, are working together to develop management strategies for sustainable urban landscapes.

### **II. LAWS, RULES, REGULATIONS, AGREEMENTS AND POLICIES**

#### COMMONWEALTH OF MASSACHUSETTS

1. [Mass. General Laws, Chapter 87: Shade Trees](#)<sup>1</sup>
2. [Mass. General Laws, Chapter 40 §8C: Conservation Commission Act](#)<sup>2</sup>
3. [Mass. General Laws, Chapter 40 §15C: Scenic Road Designation; Improvements; Fines](#)<sup>3</sup>
4. [Mass. General Laws, Chapter 41 §106: Officers and Employees of Cities, Towns and Districts – Tree Warden](#)<sup>4</sup>
5. [Mass. General Laws, Chapter 131, §40: Massachusetts Wetland Protection Act](#)<sup>5</sup>
6. [Mass. General Laws, Chapter 184, §§ 31, 32, and 33: Conservation Restriction Act](#)<sup>6</sup>
7. [Chapter 258 of the Acts of 1996: Rivers Protection Act](#)<sup>7</sup>
8. [Regulations to Massachusetts Wetlands Protection Act and Rivers Protection Act, 310 CMR 10.00](#)<sup>8</sup>

#### TOWN OF BEDFORD

1. [Bedford Arbor Resource Charter](#)<sup>9</sup>
2. [Memorandum of Agreement Between Bedford Selectmen, School Committee, and Library Trustees on April 19, 2005., Jenks Nature Trail](#)<sup>10</sup>

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<sup>1</sup> <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXIV/Chapter87>

<sup>2</sup> <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter40/Section8C>

<sup>3</sup> <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter40/Section15C>

<sup>4</sup> <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter41/Section106>

<sup>5</sup> <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXIX/Chapter131/Section40>

<sup>6</sup> <https://malegislature.gov/Laws/GeneralLaws/PartII/TitleI/Chapter184>

<sup>7</sup> <http://archives.lib.state.ma.us/actsResolves/1996/1996acts0258.pdf>

<sup>8</sup> <https://www.mass.gov/regulations/310-CMR-1000-wetlands-protection-act-regulations>

<sup>9</sup> [https://www.bedfordma.gov/sites/bedfordma/files/uploads/arbor\\_resources\\_committee\\_charge.pdf](https://www.bedfordma.gov/sites/bedfordma/files/uploads/arbor_resources_committee_charge.pdf)

<sup>10</sup> [https://www.bedfordma.gov/sites/bedfordma/files/uploads/jenks\\_trail\\_moa.pdf](https://www.bedfordma.gov/sites/bedfordma/files/uploads/jenks_trail_moa.pdf)

3. Perpetual conservation restrictions – link not available at this time<sup>11</sup>
4. [General Bylaws](#)<sup>12</sup>
  - a. Article 45, pp. 64-67 Scenic Road Bylaw
  - b. Article 54, revised 2016, pp. 97-109 Wetlands Protection Bylaw
5. [Zoning Bylaws](#)<sup>13</sup>
  - a. Section 6.2.12. Minimum Lot Landscaping and Standards
  - b. Section 8. Cluster Development
  - c. Section 16. Multiple Dwellings on a Lot, Subsections 16.6.6, 16.6.9-11
  - d. Section 19. Town Center Mixed Use Overlay District, Subsections 19.5.5, 19.5.6
6. [Conservation Commission Tree Removal Policy](#)<sup>14</sup>
7. [Historic District Commission--Landscaping](#)<sup>15</sup>
8. [Subdivision Rules and Regulations, Section 6.6 Shade Trees](#)<sup>16</sup>
9. [Selectmen Policy: Tree Protection from Construction Damage](#)<sup>17</sup>
10. [Planning Board Street Tree Policy](#)<sup>18</sup>

### **III. TREE WARDEN**

The Tree Warden shall be appointed by the Selectmen and will serve at their will and under their jurisdiction.

- A. The duties or responsibilities of the Tree Warden shall conform to Mass. General Law Chapter 87 and, in addition, shall include, but not be limited to, the following as may be further specified in this policy:
  1. Appointment or removal of Deputy Tree Wardens
  2. Management of all trees within public rights-of-way in accordance with Mass. General Law Chapter 87
  3. and, if so requested by the Selectmen,
    - a. Management of all **other trees on town-owned land**, defined above as **Town Trees** including trees on town land under the jurisdiction of other departments such as schools, recreation and library, if so requested by the respective department and approved by the selectmen in accordance with rules set out in this policy.
    - b. Expending funds appropriated for planting trees on Town land under the jurisdiction of the Tree Warden;
    - c. Granting or denying and attaching reasonable conditions to all permits required under this policy regarding Town Trees
    - d. Work to seek grants or other assistance concerning the preservation and maintenance of trees in Town;
    - e. Development of rules, regulations, tree inventory, manuals and other data to carry out the purposes and intent of this policy for approval and promulgation by the Selectmen;
    - f. Enforcement of this policy;

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<sup>11</sup>

<sup>12</sup> [https://www.bedfordma.gov/sites/bedfordma/files/uploads/charter\\_and\\_bylaws\\_updated\\_thru\\_atm\\_2017.pdf](https://www.bedfordma.gov/sites/bedfordma/files/uploads/charter_and_bylaws_updated_thru_atm_2017.pdf)

<sup>13</sup> [https://www.bedfordma.gov/sites/bedfordma/files/uploads/zoning\\_bylaws\\_amended\\_atm\\_2017.pdf](https://www.bedfordma.gov/sites/bedfordma/files/uploads/zoning_bylaws_amended_atm_2017.pdf)

<sup>14</sup> [https://www.bedfordma.gov/sites/bedfordma/files/file/tree\\_removal\\_policy.pdf](https://www.bedfordma.gov/sites/bedfordma/files/file/tree_removal_policy.pdf)

<sup>15</sup> [https://www.bedfordma.gov/sites/bedfordma/files/file/hdc\\_guidelines.pdf](https://www.bedfordma.gov/sites/bedfordma/files/file/hdc_guidelines.pdf)

<sup>16</sup> [https://www.bedfordma.gov/sites/bedfordma/files/file/subdivision\\_rules\\_and\\_regulations.pdf](https://www.bedfordma.gov/sites/bedfordma/files/file/subdivision_rules_and_regulations.pdf)

<sup>17</sup> <https://www.bedfordma.gov/sites/bedfordma/files/file/plan-treeprotectionfromconstructiondamage.pdf>

<sup>18</sup> <https://www.bedfordma.gov/sites/bedfordma/files/file/planstreettreepolicy.pdf>

B. Moreover, the Selectmen may authorize the Tree Warden to undertake other responsibilities consistent with the purposes and intent of this policy.

#### **IV. MITIGATION**

A. Town Policy guidelines for **financial compensation**

1. One tree = \$500

B. Town Policy guidelines for compensation in the **form of replanting**

1. Specifications

- a. A tree with the minimum caliper of 3½ inches, or if not available, then 2 ½ inches.
- b. native or nonnative, from the [BARC Native Tree List](#)<sup>19</sup>, or other, with approval of the Tree Warden
- c. not invasive
- d. an enhancement of the local biome
- e. preferably located in the vicinity of the tree that has been removed; replacement can be on other public land, either as a Town or a Public Shade Tree

2. Schedule

- a. For the **private** requests for removal of **one or more** Public Shade Trees (Ch.87) or Town Trees:
  - i. one tree for each tree removed, for trees 6” DBH up to 12” DBH
  - ii. two trees for each tree removed for trees from 12” DBH up to 18' DBH
  - iii. three trees for each tree removed that is 18” DBH or over
- b. For the **public** requests for removal of **one to ten** Public Shade Trees (Ch.87) or Town Trees:
  - i. one tree for each tree removed, for trees 6” DBH up to 18” DBH
  - ii. two trees for each tree removed for trees greater than 18” DBH
- c. For **public** requests for the removal **of eleven or more** Ch 87 Public Shade Trees or Town Trees, compensation is at the rate of \$5,000 for each acre of disturbed **Area with Trees**, pro-rated.

C. Significant Trees

- a. Significant Trees have greater value than listed in Section IV A.
- b. Significant Tree replacements may require a specimen tree of greater DBH than required in Section IV B.

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<sup>19</sup> <https://www.bedfordma.gov/arbor-resource-committee/pages/native-tree-list>

## **TREE POLICY APPENDIX II: TREE LISTS**

**A. Significant Trees: Heritage Trees**

Link unavailable at this time

**B. Significant Trees: Donated Trees**

Link unavailable at this time

**C. Significant Trees: Memorial Trees**

Link unavailable at this time

**D. [Recommended Native Tree List](https://www.bedfordma.gov/arbor-resource-committee/pages/native-tree-list)**

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