

Hearing for Calais Shade Tree Preservation Plan

Monday, October 24, 2022 at 6:00 PM

Location: Calais Town Hall

Shade Tree Preservation Plans are newly allowed by the state, and describe towns' programs for managing trees inside public right-of-ways and on town-owned lands. A public hearing will be held at the Calais Town Hall on Monday, October 24, 2022 at 6:00 PM to discuss the adoption of a new Shade Tree Preservation Plan for Calais. A copy of the draft plan is attached to this notice.

The state statute describing requirements for Shade Tree Preservation Plans (24V.S.A. Chapter 67, § 2502) can be accessed online at https://vtcommunityforestry.org/sites/default/files/pictures/Tree_Warden_Resources/tree_warden_and_tree_statutes.pdf

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Calais Shade Tree Preservation Plan

As accepted by Conservation Commission on 5/31/2022

& recommended to the Selectboard

1. Intent and Purpose

This plan is intended to promote and protect the public health, safety, and general welfare of the citizens of Calais by providing for the planting, maintenance, protection, and removal of trees along public roads and on town-owned properties. It also serves to clarify the role of the Calais Tree Warden by designating certain trees as shade trees, in accordance with the Vermont Parks and Shade Trees Statutes: 24 V.S.A. Chapter 67, §2501 and §2502.

2. Definitions

The following definitions are made pursuant to 24 V.S.A. § 2501a :

- (1) “Public place” means municipal property, including a municipal park, a recreation area, or a municipal building. “Public place” shall not include any municipal forestland or property that is subject to any ownership interest held by the Agency of Transportation.
- (2) “Public way” means a right-of-way held by the municipality, including a town highway.
- (3) “Shade tree” means a shade or ornamental tree located in whole or in part within the limits of a public way or public place, provided that the tree:
 - (A) was planted by the municipality; or
 - (B) is designated as a shade tree in Section 3 of this plan.

3. Designation of Shade Trees

Calais has many trees that were not planted, but which are critical to the town’s cultural, historic, or aesthetic character. In addition to trees that were planted in public ways or places by the town, the following trees shall be considered shade trees:

- (1) All trees in public places that are outside of town highway right-of-ways, and which are greater than four inches in diameter at breast height (4.5 feet above the ground).
- (2) All trees in public ways that are greater than or equal to six inches in diameter at breast height (4.5 feet above the ground).

4. Management of Small Roadside Trees

While trees under six inches in diameter, not planted by the town, and located in town highway right-of-ways shall not be considered shade trees, the town sees value in their management and care. Preserving these smaller trees is important because they will grow to become shade trees to replace larger shade trees that die. Therefore a voluntary program of small tree management may be established by the Tree Warden, whereby the Tree Warden will work with landowners and the Director of Public Works or their designee to promote healthy small trees.

5. Tree Planting

A program of tree planting on public ways or places may be established by or in consultation with the Tree Warden. The Tree Warden or Conservation Commission may convene an *ad hoc* tree committee at any time to aid in organizing tree planting or maintenance activities. All plantings must be approved by the Selectboard before they are carried out.

Tree planting may be used to meet many different objectives, which include, but are not limited to:

- The beautification of public ways and places, to increase public enjoyment and encourage recreation
- The provision of shade on roads or public properties
- The creation of wildlife habitat by providing cover, food sources, and homes for various animals; and the establishment of forested road crossings or travel corridors that allow animals to move safely between habitat elements
- The replacement of declining or dead trees, such as historic trees or trees affected by diseases or pests
- The protection of water quality and the prevention of erosion
- The production of edible fruits and nuts
- The establishment of trees that are currently uncommon in the region and that could prove beneficial as the climate changes
- The establishment of native trees that are likely to experience reduced natural regeneration because of the changing climate
- The inhibition of invasive plants

Relevant stakeholders shall be included when planning a tree planting program. When trees will be planted in a public road right-of-way, the Director of Public Works shall be consulted to ensure that the trees will not interfere with road maintenance operations and landowners who own the affected property shall be notified. Planting in a utility right-of-way shall be done in consultation with the utility and planting in a town cemetery shall be done in consultation with the Cemetery Commission. Planting on the town hall property shall be done in consultation with the Design Advisory Board and the Conservation Commission. Planting on other public places shall be done in consultation with the Conservation Commission.

In planning individual plantings, consideration should be given to:

- Choosing planting sites that maximize benefits
- Choosing planting sites that minimize potential conflicts (for example, planting trees far enough from the roadside that they will not be damaged by snowplows)
- Public safety (planting trees where they will not block important lines-of-sight, choosing species that are not prone to breakage or disease, choosing species that are not hosts to destructive diseases, etc.)
- The viability of species for specific sites (for example: planting drought-tolerant species on dry sites)

- The potential for trees to become invasive and crowd out other vegetation
- Species' mature sizes and forms (to prevent future conflicts with infrastructure, to account for eventual shading, and to maximize benefits)
- Species longevity
- Trees' suitability for a site in light of expected climatic shifts

Numerous resources are available to help plan successful planting strategies. The 2019 Calais *Rural Road Resilient Right-of-Ways Vegetation Assessment* should be consulted for roadside plantings, and the Vermont Urban and Community Forestry's *Vermont Tree Selection Guide* may be used to guide species selection (https://vtcommunityforestry.org/sites/default/files/pictures/complete_vt_tree_selection_guide_2019.pdf).

6. *Tree Maintenance*

Provisions shall be made for the maintenance of planted trees, especially in the years immediately following planting to increase the chances of successful establishment. Specific maintenance activities will depend on the species, site, weather, and presence of diseases or pests. They may include watering, fertilizing, pruning, fencing, or otherwise protecting young trees.

Older, established trees benefit from ongoing maintenance as well. Pruning may be needed to remove hazardous or diseased limbs or to encourage good form, and pest or disease protection efforts may be necessary in some instances. Shade trees should also be protected from mechanical and salt damage whenever possible. Care should be taken when mowing around trees, when plowing roadways, when applying salt and chloride, and when installing ditches, to prevent trunk and root damage.

Reasonable, non-destructive maintenance activities may be carried out on any shade tree by the road crew, landowners, the Conservation Commission, a town tree committee, or another municipal organization without prior approval by the Tree Warden. Per state statute (24 V.S.A. § 2509), any pruning or removal of shade trees must be approved by the Tree Warden and publicly warned, unless shade trees:

- “(1) are infested with or infected by, or at risk to become infested with or infected by, a tree pest and are located in an infestation area designated by the Agency of Agriculture, Food and Markets and Department of Forests, Parks and Recreation;
- (2) are a hazard to public safety; or
- (3) must be removed for the municipality to comply with State or federal law or permitting requirements”

7. *Tree Removal*

Healthy shade trees that are not a hazard to public safety, are not affected by a disease or insect control program, and do not need to be removed to comply with state or federal law or permitting requirements cannot be removed without approval from the Tree Warden or deputy Tree Warden. Anyone, including landowners, the road crew or any town official, wishing to remove one or more of these non-exempt shade trees, or to have one or more of them removed, must contact the Tree Warden or deputy Tree Warden. Pursuant to 24 V.S.A. §2501, the Tree Warden or deputy Tree Warden shall post public notice of the removal

for at least 15 days and will approve the removal after that period if no appeals are made. In the event that a resident or landowner does appeal the removal, the Selectboard shall hold a public hearing to decide the matter. Utilities may be exempt from this reporting process in some situations, based on state statutes that govern their right-of-way management.

Trees that are a hazard to public safety, are affected by a disease or insect control program, or need to be removed to comply with state or federal law or permitting requirements may be removed at any time by the Tree Warden, the deputy Tree Warden, the Selectboard or their designee, or, in the case of roadside trees, the Director of Public Works or their designee, or the landowner, without prior approval. Landowners should be notified of right-of-way tree removals beforehand, and landowners' management of right-of-way trees should be considered in any removal decisions. For example, trees affected by a disease or insect control program should not be removed if the landowner demonstrates that they are adequately controlling the disease or insect, in accordance with 24 V.S.A. § 2504.

8. Hazardous Trees

The Tree Warden and Deputy Tree Warden should advise landowners, the road crew, and other town officials on which shade trees are a hazard to public safety. They shall use a generally accepted methodology to determine which trees are hazardous. Unless and until they provide public notice otherwise, they shall use the US Forest Service's Community Tree Risk Evaluation Method. They may switch to using a different methodology, such as the International Society of Arboriculture's Tree Risk Assessment Best Management Practices or the International Society of Arboriculture's Tree Hazard Evaluation Method, by announcing the change in a publicly warned Conservation Commission meeting or another publicly warned meeting. If individuals wishing to remove shade trees are unsure whether those trees are hazardous, they must contact the Tree Warden or Deputy Tree Warden for a hazard evaluation.

9. Tree Warden Services

Town residents should be appointed to the positions of Tree Warden and Deputy Tree Warden whenever possible. In the event that no qualified Tree Warden or Deputy Tree Warden can be recruited from town, the Selectboard may choose to engage the services of another municipality or of one or more individuals from another municipality. The Selectboard may also choose to offer payment for Tree Warden services, whether from a town resident or otherwise.

10. Updating Plan

This Shade Tree Preservation Plan should be revisited by the Tree Warden every five years, to make sure it continues to meet the needs of the town. Any changes to the plan must be discussed at a public hearing and approved by the Selectboard.