



Town of Chelmsford
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Onorina Z. Maloney, CMMC

CERTIFICATE OF VOTE

ARTICLE 16

May 3 Adjourned Session of the April 30, Annual Spring Town Meeting

I, Onorina Z. Maloney, Town Clerk of Chelmsford, Massachusetts do hereby certify the following vote taken under Article 16 at the May 3 adjourned session of the April 30, 2012 Annual Spring Town Meeting held at the Chelmsford Senior Center 75 Groton Road, North Chelmsford. The meeting was called to order at 7:30 pm by Moderator Richard DeFreitas. There were 119 Town Meeting Representatives in attendance which satisfied the quorum of 82.

ARTICLE 16. Town Manager Paul E. Cohen, moves that the Town amend Chapter 161, "Trees" of the Code of Chelmsford by deleting the current Sections 161-1 and 161-2 in their entirety, which read as follows:

Section 161-1 Tree planting.

All contractors, builders, companies, corporations or individuals who or which promote the construction of multiple houses, housing units or developments or the erection of three or more houses in a given area shall be required to plant one tree for each lot and two trees for every corner lot. Such planting shall be done before the street is paved and must be in accordance with the specifications as prescribed by the Director of Public Works.

Section 161-2 Willow trees.

Any willow tree found growing within 50 feet of any portion of a town-maintained drainage system or within 50 feet of any drainage easement, whether granted to the town by specific deed or included on a definitive plan submitted pursuant to the provisions of the Subdivision Control Law, is hereby declared to be a nuisance, and it shall be unlawful to permit any such willow tree to grow or remain in any such location. It shall be the duty of the Tree Warden to serve, or cause to be served, notice upon the owner of any premises on which willow trees are permitted to grow in violation of the provisions of this section and demand abatement of this nuisance within 30 days.

and replacing it with the following language:

Section 161-1 Intent and purpose.

It is the intent of this Bylaw to sustain environmental health, enhance the economic well-being and maintain the quality of life for the citizens of the Town of Chelmsford. Public trees make an important contribution to the character and heritage of Chelmsford's neighborhoods. This Bylaw establishes policy for ensuring the health and longevity of the Town's trees.

Section 161-2 Tree Warden.

The care and management of public trees shall be the responsibility of the Tree Warden, or that official's designee. The Tree Warden is responsible for planting, maintaining and removing trees from streets, parks and other designated public places in accordance with M.G.L. c. 87 s. 2.

Section 161-3 Public shade trees.

It shall be the policy of the Town of Chelmsford to encourage the conservation of public shade trees (as defined in M.G.L. c. 87 s. 1) and to establish a planned program of replacement on a one-for-one basis of all public shade trees removed due to disease, death, public nuisance, construction or safety. The Tree Warden shall determine the type and size of the replacement tree. While the goal under this policy to have a public shade tree replanted in the same location as the removed tree, it may be replanted in an alternate location at the discretion of the Tree Warden if necessary.

Section 161-4 Tree Replacement, Establishment and Enhancement (TREE) Committee.

- A. There shall be a Tree Replacement, Establishment and Enhancement (TREE) Committee to facilitate and encourage the long-term health of Chelmsford's public trees.
- B. Said Committee, once appointed, shall develop and administer a comprehensive tree management program to guide the Town and the Committee's activities. Such activities include, but are not limited to, the following:
 - (1) Facilitating and encouraging the long-term health of Chelmsford's public trees and promoting native tree species;
 - (2) Performing tree surveys, inventories, and evaluations;
 - (3) Creating manuals or guidance for planting, maintaining and removing trees from streets, parks and other designated public places;
 - (4) Developing best management practices for urban forestry and silvicultural work;
 - (5) Working in conjunction with the Tree Warden to seek grants or other assistance concerning the preservation and maintenance of trees in Town; and
 - (6) Performing public education and coordination with civic groups to promote Arbor Day and other special events related to public trees.
- C. The duties and responsibilities of the Commission shall include, but not be limited to:
 - (1) Writing and updating an annual community forestry work plan;
 - (2) Advising the Town Manager in matters related to the care and management of Town-owned properties that contain public trees;
 - (3) Advising the Board of Selectmen, Department of Public Works, Conservation Commission, and other local organizations, on projects and activities involving public trees in Town;
 - (4) Advising the Tree Warden on planting, maintaining and removing trees from streets, parks and other appropriate public places; and
 - (5) Engaging in projects and activities that promote sustainable forestry and the long-term health of public trees in Town, including programs and community events.

- D. The Committee shall consist of five members appointed by the Town Manager. In the beginning, two members shall be appointed for a term of three years, two members shall be appointed for a term of two years, and one member shall be appointed for a term of one year. Thereafter, each member shall be appointed for a term of three years. Each term shall expire at the end of the appropriate fiscal year.

Section 161-5 Private tree planting.

All contractors, builders, companies, corporations or individuals who or which promote the construction of multiple houses, housing units or developments or the erection of three or more houses in a given area shall be required to plant one tree for each lot and two trees for every corner lot. Such planting shall be done before the street is paved and must be in accordance with the specifications as prescribed by the Tree Warden.

Section 161-6 Willow trees.

Any willow tree found growing within 50 feet of any portion of a town-maintained drainage system or within 50 feet of any drainage easement, whether granted to the town by specific deed or included on a definitive plan submitted pursuant to the provisions of the Subdivision Control Law, is hereby declared to be a nuisance, and it shall be unlawful to permit any such willow tree to grow or remain in any such location. It shall be the duty of the Tree Warden to serve, or cause to be served, notice upon the owner of any premises on which willow trees are permitted to grow in violation of the provisions of this section and demand abatement of this nuisance within 30 days.

Finance Committee voted to support Article 16

Board of Selectmen voted to support Article 16

The electronic voting devices recorded the following votes:

YES: 132

NO: 7

ABS: 2

Motion under Article 16 carries by majority vote

Onorina Z. Maloney

Onorina Z. Maloney, Town Clerk