

Town of Pomfret Tree Policy

Adopted August 17, 2022

Objective

Trees and stone walls along our Town highways contribute significantly to the beauty of Pomfret. Certain shade trees and roadside plantings along the Town right-of-way are protected by state statute. However, proper tree trimming and, where warranted, tree removal, are essential for safe movement of people and vehicles. The purpose of this policy is to provide guidance to Town officials and information to residents and landowners about maintenance, improvements, and alterations to Class 2 and 3 Town highways.

Background

Right-of-way: Municipalities own an easement, or right-of-way, for highway purposes. The width of a highway is usually three rods (49.5 feet), or 24.75 feet each side of the centerline of the currently existing highway but may be wider. For the public benefit of a road, the abutting landowner is stopped from exercising his or her full rights to the land under a right-of-way. The municipality has the authority to remove trees and other growing things, straighten curves, expand the traveled portion, and maintain or improve the road surface, all without the permission of the owners of the land the easement crosses, provided the work is done within the limits of the easement. Towns are obligated to maintain a road to certain standards that are dictated by a road's classification and by state statute. The landowner has rights to remove trees long the public right-of-way, providing that the trees are officially not designated as shade trees by the town.

Public place: Includes cemeteries, greens, parks, lawns around public buildings. Requirements for public shade tree maintenance are similar to those for highways.

Tree Warden: The Tree Warden in each town is appointed by the Selectboard. This person is responsible for preserving shade and ornamental trees in the town public ways and places, determining necessary care of trees, controlling of tree infestations, deciding when diseased, dead, or dying trees should be removed and, planning when new trees are appropriate. The Tree Warden shall hold public hearings when the removal of a shade tree is proposed.

Selectboard: Is responsible for maintaining the usefulness and safety of town roads and will decide on appeals of certain of the Tree Warden's decisions.

Highway Department: Performs or oversees road maintenance, including tree and brush removal.

Pomfret's policy on right-of-way clearing and trees is as follows:

(1) The Town shall comply with State statutes and regulations when performing road work. While the Town is obligated to maintain the usefulness and safety of its roads, it is also interested in preserving their aesthetic qualities.

(2) Except in emergencies, road maintenance that proposes removal of trees from the right-of-way will be reviewed by the Tree Warden. With the Road Commissioner/Road Foreman, the Tree Warden will view trees that have been identified for removal and provide a report to the Selectboard and the Highway Department. The Selectboard and the Highway Department will file the report in the Town Office. The Selectboard will notify the landowners by letter if the report recommends tree removal and hold a public hearing if necessary.

(3) Except in emergencies, landowners will be notified two weeks before work is scheduled in the public right-of-way across their land: tree cutting, road straightening or widening, and any work that will significantly alter the road or right-of-way. The letter will advise landowners of planned work, the tentative schedule for it, and will inform individuals of their opportunity to express their concerns regarding the work. Similar notification of proposed major road reconstruction projects will be mailed at least 60 days before the work is to begin.

(4) Actions that will be taken by the Road Commissioner or Road Foreman before cutting trees or shrubs:

- Confirm the width of the right-of-way, and measure and mark its edges.
- Consult with landowners.
- Describe the location and proposed work to the Tree Warden.
- Request the Tree Warden's opinion whether the proposed work will require cutting of shade, fruit, or ornamental trees or shrubs, and whether such plants are in a residential area. If such plants are to be cut, before obtaining written permission from the Tree Warden, then notify the Selectboard.
- Require a certificate of insurance before a contractor begins any cutting.
- Roadside mowing will maintain clearances for snow removal and road visibility for drivers.
- Brush and trees that could interfere with the operation of Town equipment may be removed.

(5) Actions to be taken by the Tree Warden:

- Consult with the Road Commissioner or Road Foreman on proposed right-of-way clearing.
- If the cutting of public shade trees is recommended, hold a public hearing. When appropriate, issue written permission to the Road Commissioner or Road Foreman to remove trees.

(6) Actions to be taken by the Selectboard:

- Decide cases involving cutting of shade tree, fruit, or ornamental trees or shrubs, after the Tree Warden's hearing, when the Tree Warden is precluded from deciding the case or an interested party requests in writing that the Selectboard do so.

Invasive Plant Management

The Tree Warden may make suggestions on management of invasive plants along the Town right-of-way.

Shade Tree Planting Guidelines

Trees planted by the town are officially designated as shade trees, with the protections outlined in the state statutes. All species of shade trees shall be selected from recommendations by the Vermont Urban & Community Forestry. For tree species to be planted, see Vermont Tree Selection Guide: https://vtcommunityforestry.org/sites/default/files/pictures/complete_vt_tree_selection_guide_2019.pdf.

Funding for Shade Tree Plantings and Removal

The Pomfret Selectboard shall create a town tree removal fund for use by the Tree Warden in the implementation of their duty. Funds in this account may be used by the Town Road Commissioner or Road Foreman, in consultation with of the Tree Warden. The tree removal fund will be important when ash trees damaged by the invasive Emerald Ash Borer need to be removed along the Town right-of-way.

Clean up

Materials cut from the Town right-of-way will be removed as reasonably appropriate.

Material from chipping can be spread on abutters' property with their prior approval.

Logs of an agreed-upon length may be left on abutters' property only with landowners' approval. Any wood from trees less than 6 inches DBH (Diameter Breast Height) that are removed by the Town belongs to the Town. Any wood from trees removed by the landowner, with approval of Tree Warden, belongs to the landowner.

Permit for Public Tree Removal in Pomfret

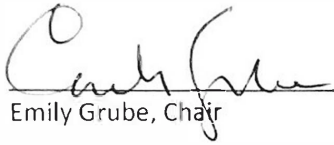
A permit for public tree removal must be approved by the Pomfret Tree Warden. Here is a link to a Town form that may be used to make such a request see: [Permit for Public Tree Removal](#).

Changes in Pomfret Tree Policy


The Pomfret Board of Selectmen reserves the right to establish internal guidelines consistent with this policy and to amend the policy from time to time without future notice.

Adopted this 17th day of August, 2022

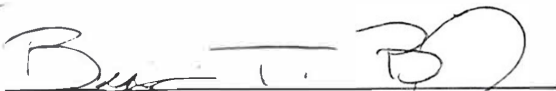
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