Tree Preservation Bylaw Frequently Asked Questions

1. **Does the new Bylaw mean I can't cut down any trees on my property? I want to: (install solar, renovate my septic system, plant a vegetable garden, build a pool ….)**

   The Tree Preservation Bylaw only applies to select projects on residential lots, not all tree removals in town. Projects that **DO** trigger the Tree Preservation Bylaw requirements: (*see Rules & Regulations, Section 2 for complete description*)

   - Demolishing a structure with a footprint of 250 sq. ft. or greater
   - Constructing a building or structure on a vacant lot
   - Constructing a structure or addition that increases the Gross Floor Area by 50% or more, excluding basements, open or screened porches and decks.

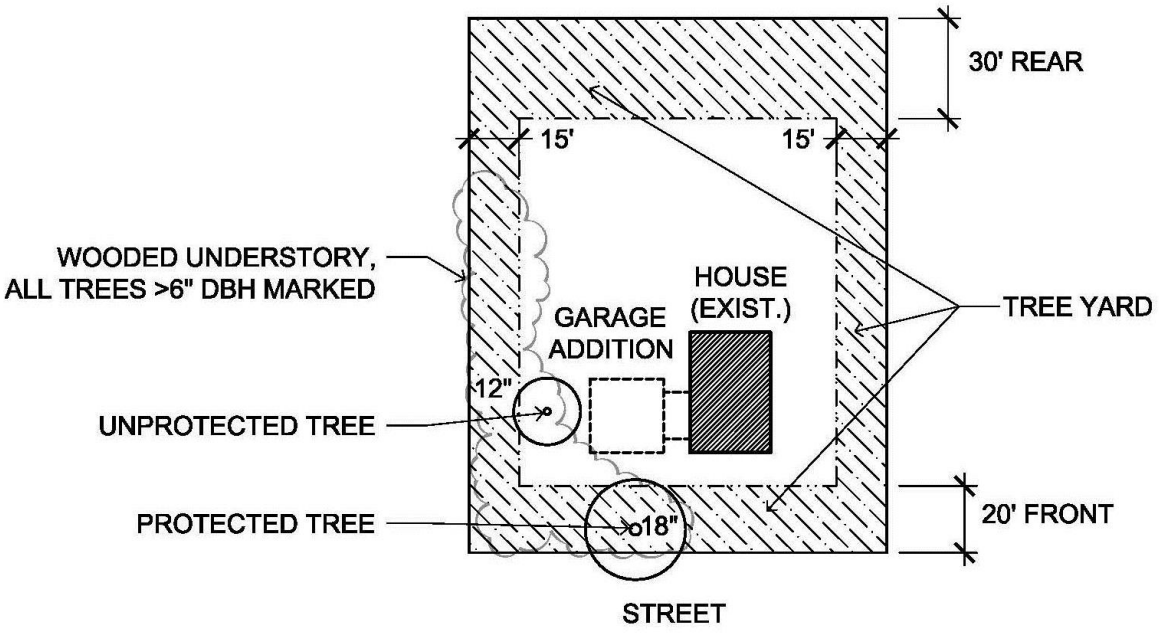
   Any projects that do not include at least one of these circumstances **DO NOT** fall under the current Tree Preservation Bylaw and do not require any application for tree removals.

2. **Can I get a copy of the Tree Preservation Bylaw, Tree Preservation Rules & Regulations, Application and Affidavit online?**

   The Tree Preservation Bylaw, Tree Preservation Rules & Regulations, Application and Affidavit can be found on the Town's web site at: http://www.concordma.gov/2038/Tree-Preservation-Bylaw

3. **What is the Tree Save Area?**

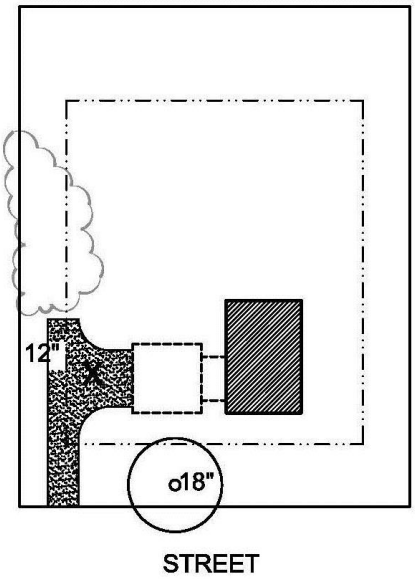
   The following example shows a conforming Residential Zone B lot of 20,000 SF.



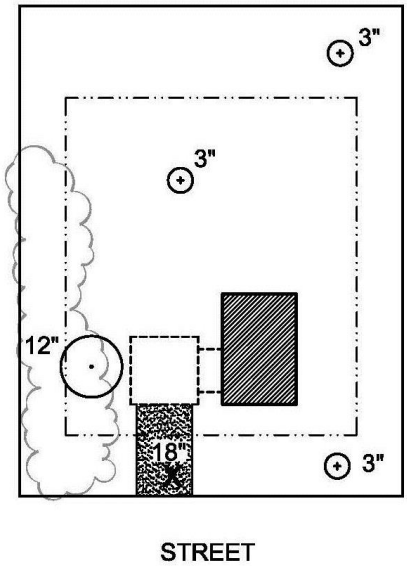
4. There's a large tree right where I want to put a new driveway to a new garage. What can I do?

There are four options; Preserve, Re-plant, Re-plant and Pay, and Pay. With careful planning, mature trees can often be preserved in good health during construction. Explore alternative building layouts with your architect or builder. Your Arborist can assess the tree's condition and health, and help you determine if intrusion into the Critical Root Zone could be tolerated by the tree, and what, if any, special maintenance or offsetting measures might be required to maintain tree health long-term.

PRESERVE: No Protected Tree removed. No mitigation required.



RE-PLANT: *Protected Trees removed* = 18"
*Re-plant (*0.5" replace per 1.0" removed)
3 trees x 3" caliper = 9"
9" x 2 =18" No further mitigation required



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RE-PLANT & PAY: *Protected Trees removed* = 18"

*Re-plant (*0.5" replace per 1.0" removed)

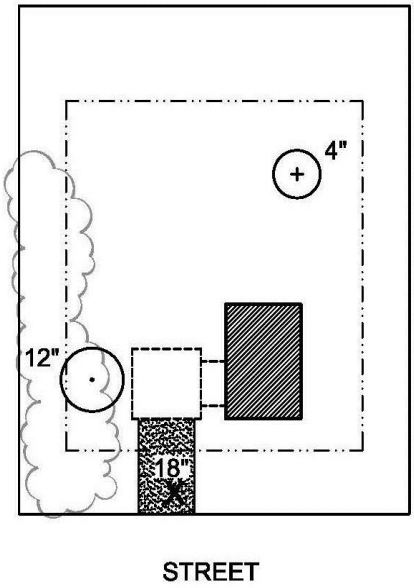
1 trees x 4" caliper = 4”

4” x 2 =8" Further mitigation required

Pay ($375 per inch)

18” – 8” = 10”

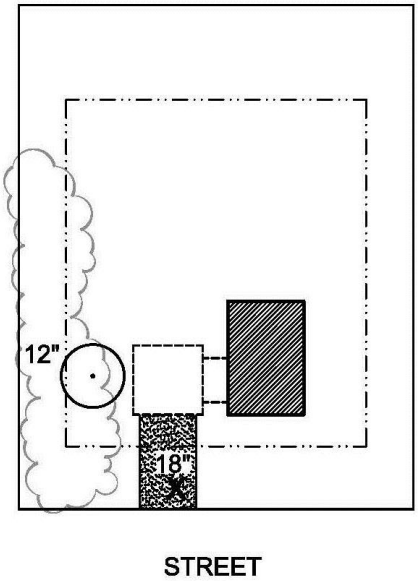
10 x $375 = $3,750



PAY: *Protected Trees removed* = 18"

Re-plant = 0

Tree Fund Contribution 18 x $375 = $6,750



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5. **My lot doesn't have any trees, do I still have to go through this whole process?**

   If there are no Protected Trees on your lot, nor have any been removed in the past 12 months, you may request an Absence of Protected Trees Affidavit (*see Rules & Regulations, section 4.3).* There is no fee for submitting this document, and there will be no further requirements for your current project related to the Tree Preservation Bylaw.

6. **I have a very large lot with hundreds of large trees, do I have to inventory all of them?**

   The Tree Bylaw is concerned with trees at the property edges likely to be impacted by demolition, construction, utility trenching and/or grading. Trees more than 50 feet beyond the limit of work need not be included in the inventory, provided they will not be removed or otherwise impacted by construction activities. (*see Rules & Regulations, Section 4.2.1.6.1).*

7. **I have everything else ready to submit for my Building Permit Application. How long will it take to get a Protected Tree Impact and Removal Permit?**

   This depends largely on how quickly you and your Arborist can complete the Tree Protection and Mitigation Plan required as part of your application for a Protected Tree Impact and Removal Permit. Once that application is filed, the Reviewing Agent will make every attempt within two weeks to issue the permit or request modifications to make the Plan consistent with the Bylaw, but he has up to 30 days. Once the permit has been issued and before beginning site work, demolition, or construction, you must install the Tree Save Area fencing and any other approved tree protection measures, then the Reviewing Agent will conduct the initial inspection.

8. **I already have a plot survey for my property that indicates trees, why do I need to hire an Arborist?**

   Obtaining a survey of exact tree locations in the setbacks (Tree Yard) is the first step. Using this survey, the Arborist must confirm the trees' size, species identification, and condition. The Arborist will develop any preservation measures that might be necessary if construction impacts are unavoidable. They may also find an invasive species tree or a diseased or hazardous tree which might exclude it from requiring mitigation under the Bylaw (*see Rules & Regulations, section 4.2.1.6.4).* The following trees are currently listed as invasive on the MA Prohibited Plant List:

   - Norway maple
   - Sycamore maple
   - Tree of heaven
   - Autumn olive
   - Amur cork

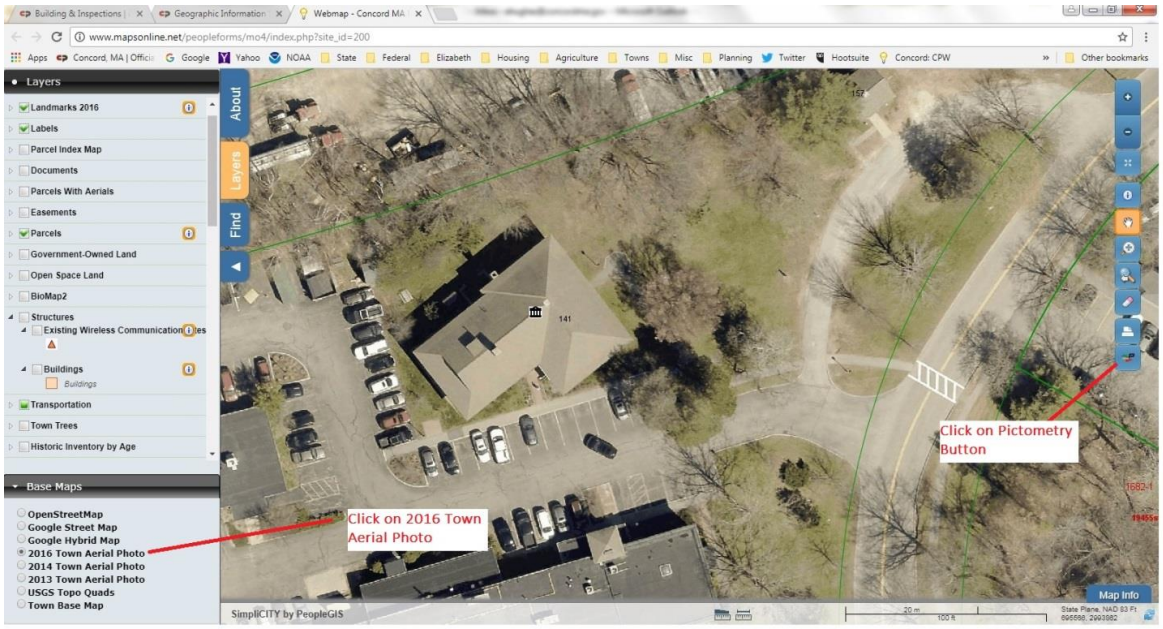
   The Massachusetts Arborist Association maintains a searchable list arborist at: http://massarbor.org/ziplookup.php

9. There's no room to replant so many trees on my lot. What can I do?

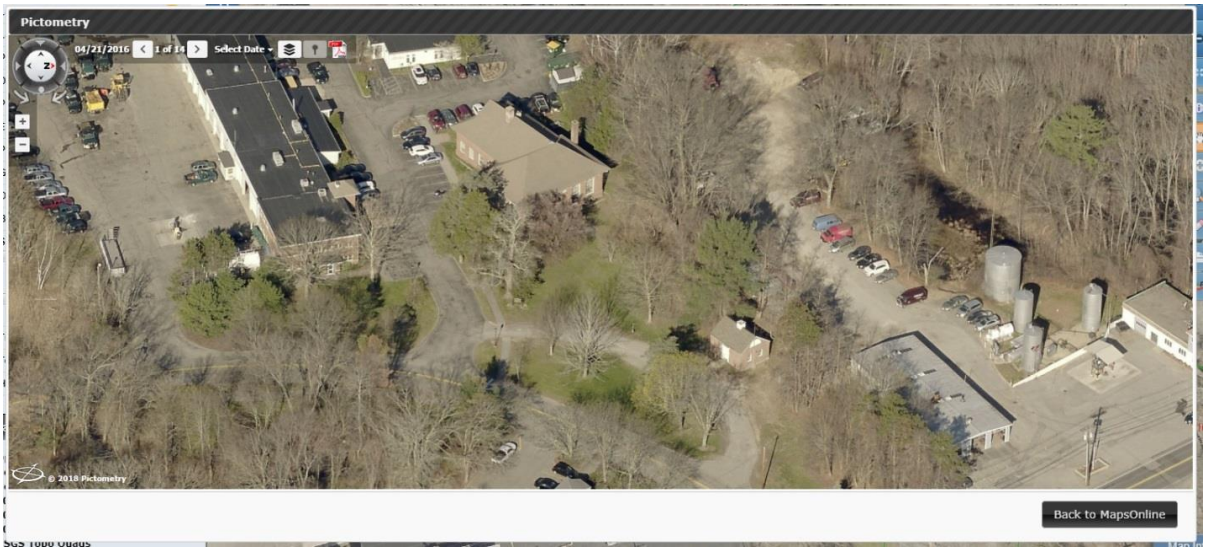
Smaller lots can be tight for mitigating the loss of a large tree via replanting alone. First, try everything possible to save the tree. If this is not possible, consider planting smaller stature trees as permitted in the Bylaw, or approach your abutting neighbors about planting a tree on their lot(s). If the full mitigation requirement cannot be accommodated in these ways, you must mitigate the remainder of the removal via a contribution to the Tree Fund (*see Rules & Regulations, section 5.3).*

10. How do I identify trees that have been taken down in the past twelve months?

A property owner can utilize personal photos, the Town's GIS aerial map and Pictometry view, Google Earth and Google Street View as methods to help identify trees that have been removed.



Town's GIS aerial map: http://www.mapsonline.net/peopleforms/mo4/index.php?site_id=200



Pictometry Image

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11. Can you please give me the Reviewing Agents address, phone number, and office hours and where I should submit my application?

A Tree Removal application is submitted directly to the Planning Division. The Reviewing Agent is a Town Consultant that does not hold office hours. A property owner should work with their arborist and surveyor on completing an application. If a property owner or their surveyor or arborist has questions completing the application or preparing the Tree Protection & Mitigation Plan, they can call or email the Reviewing Agent.

12. I do not agree with the Reviewing Agents findings?

Section 6.2 of the Tree Preservation Bylaw allows for any person who has been aggrieved by refusal, order, or decision of the Reviewing Agent or Building Commissioner, may appeal to the Zoning Board of Appeals within 20 days from the date of such refusal, order, or decision.

13. There's a property in my neighborhood that's tearing down an old house, how do I know they are following the Bylaw?

Following the effective date of the Tree Preservation Bylaw Rules & Regulations, all qualifying projects must satisfy Bylaw requirements prior to submitting an application for a Demolition or Building Permit.

14. What if the tree root ball extends onto my neighbor's property and I do not have permission from my neighbor to go on his/or her land and protect the root ball? And vice versa?

The property owner can only be held responsible for protecting the root zone on their own property.

15. What are my options if I cannot afford to replant trees or contribute to the fund? Is there a waiver?

The provisions and requirements of the Tree Preservation Bylaw and the Tree Preservation Bylaw Rules & Regulation must be included as project costs. There is no "hardship" waiver.

16. How much is the application fee? What is the fee if I need to alter my original plan and have another inspection?

The application fee is $200. This covers administration and an hour and a half of the Reviewing Agents time. If modifications to the approved Tree Preservation & Mitigation Plan are required during construction and the Reviewing Agent is required to reevaluate the Plan and/or additional inspections are required, the property owner will be required to submit an additional $100 fee.

17. What if I am constructing a new home on a vacant lot and there are trees located where my new septic and driveway are to be located and removal of trees is required?

For a project that triggers the Tree Preservation Bylaw, site planning for all site construction, including buildings, driveways, septic system, etc., must take Protected Trees into consideration. If Protected Trees are required to be removed, then mitigation is required. For a project that does not trigger the Bylaw, such as the replacement of a septic system, mitigation for the removal of trees is not required.

18. I am in the wetlands district; does the Tree Bylaw conflict with any of the State Wetland Protections Act or the Town of Concord Wetland Bylaw?

In all areas subject to the Massachusetts Wetlands Protection Act and the Town's Wetlands Bylaw, the Natural Resources Commission shall have jurisdiction. All provision of the Tree Preservation Bylaw shall apply to portion of the lot not under NRC jurisdiction.