

Town of Ferrisburgh

Shade Tree Preservation Plan

1) Intent and Purpose

The Town of Ferrisburgh recognizes the importance of trees along our roadways, on town-owned parcels, and on the private lands across our town. Trees provide many benefits, and improve the community's cultural, aesthetic, and environmental attributes. This plan is intended to promote and protect the public health, safety, and general welfare of the citizens of Ferrisburgh by providing for the planting, maintenance, protection, and removal of trees along public roads and on town-owned properties. The plan is also intended to increase public awareness of the importance of trees in our community, encourage public participation, and encourage tree planting and tree maintenance on private lands. It also serves to clarify the role of the Ferrisburgh Tree Warden by designating certain trees as shade trees, in accordance with the Vermont Parks and Shade Trees Statute: 24 V.S.A. Chapter 67. Under state law, private landowners and municipalities share the rights to trees within public rights-of-ways. The underlying land's owners have the right to any wood products that the trees produce, while the town has the right to make management decisions about the trees. In part, this plan regulates that decision-making process for Ferrisburgh.

2) Definitions

"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.

"Public way" means a right-of-way held by the municipality, including a town highway.

"Shade tree" means a shade or ornamental tree whose base at soil level is greater than 50% within a public way or a public place that (a) was planted by the Town or (b) is designated as a shade tree as outlined in Section 3 of this plan.

The "Town" means the Town of Ferrisburgh and any of its officers, employees, agents, or volunteers.

3) Designation of Shade Trees

Planted Trees. All trees planted by the Town at any time, including trees planted by the Town prior to the adoption of this Plan, shall be shade trees.

Designated Trees. The Town of Ferrisburgh has many trees that were not planted, but which contribute to the town's cultural, historical, environmental, or aesthetic character. In addition to trees planted by the Town, the following trees are found to be critical to the cultural, historical, or aesthetic character of the municipality and shall therefore be considered shade trees:

- All trees in public places that are outside of the public way which are greater than four inches in diameter at breast height (4.5 feet above the ground).
- North Ferrisburgh Village Zoning District: All trees within the public way that are greater than or equal to four inches in diameter at breast height (4.5 feet above the ground).
- Ferrisburgh Town Center Zoning District: All trees within the town's public way that are greater than or equal to four inches in diameter at breast height (4.5 feet above the ground).

- All other Ferrisburgh Zoning Districts: All trees within the town's public way that are greater than or equal to twelve (12) inches in diameter at breast height (4.5 feet above the ground).

4) Management of Small Roadside Trees

While trees under twelve (12) inches in diameter (four (4) inches in the two zoning districts mentioned above), not planted by the town, and located in the public way shall not be considered shade trees, the town sees value in their management and care, where appropriate. Preserving these smaller trees can be important as they may grow to replace larger shade trees that die.

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 pre-approved by the Selectboard.

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 replacement of declining or dead trees, such as historic trees or trees affected by diseases or pests
- 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 protection of water quality and the prevention of erosion
- 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 way, the Highway Department Foreman shall be consulted to ensure that the trees will not interfere with road maintenance operations and affected property landowners 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 Highway Department Foreman. Planting in public places shall be done in consultation with the Tree Warden and the Conservation Commission.

In planning individual plantings, consideration should be given to:

- 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

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

Budgetary and staffing responsibility provisions should 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. Maintenance may include watering, fertilizing, pruning, fencing, or otherwise protecting young trees.

Older, established trees also benefit from ongoing maintenance. 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.

Reasonable, non-destructive maintenance activities may be carried out on any shade tree by Highway Department staff, landowners, the Conservation Commission, a town shade 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 publicly warned by the Tree Warden, 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; are a hazard to public safety; or must be removed for the municipality to comply with State or federal law standards, or permitting requirements”.

7) Tree Removal

Shade trees that are not a hazard to public safety and are not affected by a disease or insect control program, cannot be removed without following the public notification process described in this section. Anyone, including landowners or any town official wishing to remove one or more of these non-exempt trees, 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 proposed removal for at least fifteen (15) days and will approve the removal after that period if no appeals are made. If a resident or landowner does appeal the removal, the Selectboard shall hold a public hearing to decide the matter. The Selectboard may not unreasonably prevent Shade

Trees from being removed as part of accepted silvicultural practices (as defined in 24 V.S.A. §4413). Utilities may be exempt from this notification 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 with the approval of the Tree Warden, the Deputy Tree Warden, the Selectboard or their designee. Healthy trees in the public way that are a hazard to public safety or need to be removed to meet Ferrisburgh road standards shall be removed at the direction of the Highway Department Foreman. Affected landowners should be notified of public way tree removals beforehand.

8) Hazardous Trees

Anyone who wishes to remove one or more shade trees and is unsure whether those trees are hazardous must contact the Tree Warden or Deputy Tree Warden for a hazard evaluation. The Tree Warden or Deputy Tree Warden shall use their professional judgment 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 and Assessment Forms. 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.

9) Tree Warden Services

Town residents should be appointed to the positions of Tree Warden and Deputy Tree Warden whenever possible. If 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.

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. The periodic review called for by this provision shall not impact the validity of any existing provision of the Plan and the provisions of this Plan shall remain in effect unless and until they are changed by the Selectboard.

The foregoing plan was adopted by the Selectboard of the Town of Ferrisburgh, State of Vermont, this 18 day of November, 2025 and is effective as of this date until amended or repealed.

Clark Hinsdale
Clark Hinsdale, Chair

Chris Campbell
Chris Campbell, Vice Chair

Walter Reed
Walter Reed

James Benoit
James Benoit

Rick Ebel
Rick Ebel