

Shade Tree Preservation Plan

Town of Mount Holly

DRAFT –June 12, 2022

At the invitation of the Mount Holly Select Board, the Mount Holly Conservation Commission (MHCC) applied for and was accepted into the Urban and Community Forest Program to develop a Shade Tree Protection Plan In accordance with a new statute that took effect on Nov. 1, 2020. This statute supports the importance of protecting the rural nature of Vermont towns through management of shade trees and provides specific details on how this can be done. However, the new statute makes the protection of valuable trees incumbent on the town having a Shade Tree Preservation Plan

An important aspect of Mount Holly is the network of back roads comprising the Town's highway system. The character of the roads themselves, their winding nature and borders of trees and stone walls, as well as the views they often provide, is important to conserve. In the recent survey by the MHCC, the rural nature of Mount Holly was the highest ranked attraction.

An example of the this can be experienced by taking a drive down Maple Hill Road. This road is a quintessential Vermont road and is one of the most photographed roads in the state. Think about what that road would look like if those trees were removed and not replaced.

Using Maple Hill Road as one example, the Shade Tree Preservation Plan would first identify and compile an inventory of its shade trees. The inventory would also identify the condition of the tree. Using this information, the tree warden would implement the plan for maintaining, removing or replacing the designated trees.

This is an example of how the plan would be implemented. Other similar areas throughout the town would be identified, inventoried and incorporated into the plan after review by the town and approval by the Select Board.

In very simple terms, there are trees in town that are worth preserving. In order to provide the tree warden the authority to do so, the town must have a Shade Tree Preservation Plan.

The Town of Mount Holly, Vermont recognizes the amendments to the Vermont tree warden statutes as made effective on Nov. 1, 2020. [Bill H.673](#) passed in the house and the senate as Act 171 in September of 2020 and was signed into law on Oct. 8, 2020. The bill amended [24 V.S.A. § 871](#), [24 V.S.A. chapter 67](#) and [19 V.S.A chapter 9](#), § 901-904.

For consistency and clarity, the Town of Mount Holly Shade Tree Preservation Plan references legal definitions as provided in [24 V.S.A. §2501](#) and referenced below:

- 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 a 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 pursuant to a municipal shade tree preservation plan pursuant to section 2502 of this title. (Added 2019, No. 171 (Adj. Sess.), § 2, eff. Nov. 1, 2020.)

The Shade Tree Preservation Plan as follows is pursuant to [24 V.S.A. §2502](#) and is composed of five required elements and includes an Appendix which covers the optional elements per the above statute. The Town of Mount Holly adopts the following Shade Tree Preservation Plan that expands the duties of the tree warden in the town and specifies the processes by which town shade trees are managed and governed. The following paragraphs outline the details of the plan as prescribed by statute.

Many of the trees protected as Shade Trees by this plan do not qualify automatically as Shade Trees according to Statute because they are not in whole or in part within a public way but have been included because they are critical to the cultural, historical, or aesthetic character of the town. An example of such trees is some of those trees planted with funds from the state by the town around Belmont Village and along Maple Hill Road in the period 2006-2008. These trees will require special agreements with the landowners to be protected as Shade Trees. Examples of such agreements are provided in an Appendix to this plan.

- (1) Programs for the planting of new trees and shrubs.

The detailed plans for planting of new trees and shrubs refer only to those areas and specific trees that are described the appendix to this document. The process for adding to the list of areas and trees is also detailed in the appendix.

- a. Many of the trees designated as shade trees are old and/or unhealthy and need to be removed and replaced. This will be an ongoing program to be accomplished as manpower and other resources become available.
 - b. Trees and plantings in municipal recreation areas need to be assessed to see if they are healthy and thriving or should be augmented or replaced.
- (2) Program for the care and maintenance of shade trees through feeding, pruning, and protection from disease and pests. Shade Tree maintenance trees including watering, mowing, mulching and staking as needed will be covered through a Tree Warden budget to be submitted to and approved by the Selectboard.

The detailed plans for care and maintenance refer only to those areas and specific trees that are described in an appendix to this document.

- a. Many of the trees in the Shade Tree Inventory found in the appendix can be rejuvenated with feeding and judicious pruning.
 - b. Trees will be evaluated for disease and infestation and appropriate action initiated.
- (3) Apportionment of costs for tree warden services provided to other municipal corporations.

Mount Holly does not anticipate apportioning any costs for tree warden services provided to other municipal corporations. The tree warden in Mount Holly is a volunteer municipal official.

- (4) Approval requirements for tree maintenance or removal on specific town property as granted by town officers or legislative bodies other than the tree warden.

If a tree on town property requires maintenance, the Tree Warden will inform the responsible entity of the required treatment and together arrange for the treatment.

If the Tree Warden determines that a tree on town property requires removal, the responsible entity and the Select board shall be notified.

- (5) Process (consistent with [24 V.S.A. chapter 67](#)) for the removal of:

- a. diseased, dying, or dead shade tree

- b. any shade trees that create a hazard to public safety, impact a disease or insect control program, or must be removed to comply with State or federal law or permitting requirements

The Tree Warden shall determine annually which trees covered by the Shade Tree Plan are diseased, dying, or dead. A list of these trees with the recommended actions shall be provided to the Road Commissioner for implementation.

The process for the removal of Shade Trees is well described in the statutes referenced below. The town will follow the process described in the statutes. 24 V.S.A. Chapter 67 [§2508](#) and [§2509](#) provide appropriate guidance for the activities foreseen in a and b above and are adopted by reference into this plan.

- (6) The Town of Mount Holly designates additional municipal trees as shade trees. These are detailed in shade tree inventory Appendix 1 to this document. This appendix also includes areas and trees which are proposed to be protected by this plan with the agreement of the landowners.
- (7) Appendix 2 provides the process to update the zones and list of trees which are critical to the cultural, historical, or aesthetic character of the town. Appendix 3 provides a template for agreements between the town and the individual landowners on whose property the town wishes to designate trees as Shade Trees.