



# Town of Shelburne, Vermont

CHARTERED 1768

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December 8, 2019

Dear Mr. McCusker:

Thank you for your inquiry about the ash tree on your neighbor's property. As I understand it, you have raised concern whether that tree might one day fall onto your property. Upon further inquiry, it appears that there are differing opinions between two privately employed arborists: one has suggested that it might be worth removing sometime soon, and the other does not find that it appears to need removal anytime soon. While both appear to agree generally about the condition of this tree, the difference appears to be the suggested timeframe for action.

Although there does not appear to be evidence of imminent danger or hazard, and neither arborist has suggested that there is, no aspect of this work is predictable with certainty. Taken to an illogical extreme, it could be suggested that every tree located anywhere near any structure, power line, or road should be removed to prevent any risk of harm, and this, of course, would create its own set of problems and challenges.

The subject tree in this matter does not rise to the level of Town intervention under Section IX of the Shelburne Tree Policy. Further, as a policy, this document provides guidance, but not legislative nor mandatory action.

This is a perfect opportunity for adjoining landowners to do what is hoped will happen when one chooses to live in a closely developed neighborhood – work together with one's neighbors toward a mutually agreeable solution. Options might include sharing the cost of removing the tree entirely, offering to pay to fell the tree in place to avoid the perceived risk while minimizing cost, or perhaps just removing the top of the tree that is the cause of concern. Please also be aware that a property owner has the legal right to trim or remove branches that cross over a boundary onto one's own property, up to that property line; however, what is lawful may not necessarily be a good idea for the health of a tree or for relationships between neighbors.

Thank you. I hope you find this information helpful.

Respectfully,

David Hall, Tree Warden