

Shade Tree Preservation Plan for Mount Holly

To be discussed at the July 12 Selectboard

The attached document is the basic text of the proposed Shade Tree Preservation Plan plan as prescribed by statute. There are three(3) appendices to the plan that include details of the trees to be included, the process to add trees to the plan; and a template agreement between the town and landowners to formalize the inclusion of trees on their property in the plan. These appendices as well as the plan itself are available on the town (unofficial) website at:
<https://www.mounthollyvt.org/announcements-bulletin-board/>

Important aspects of the plan are: it does not obligate the town to do anything beyond the requirements of the statute which it is already obligated to do and are already being done; it does not obligate any individuals to include trees on their property, it does not require any fiscal commitment; but it does show the intention of the town to maintain the trees of cultural, agricultural, and esthetic value. In addition to being a benefit for all who live or visit Mount Holly, this latter will be important in seeking outside funding to preserve and to augment our Shade Trees.

Please read this plan and attend the Selectboard meeting on July 12 to find out more, and to show your support or lack thereof. For further information please contact:

Phil Crane Phone (802) 259-3824 by email: tree_warden@mounthollyvt.org.

Shade Tree Preservation Plan

Town of Mount Holly

DRAFT –June 30, 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.

Shade Tree Inventory Appendices 1 and 2

To

Mount Holly Shade Tree Preservation Plan

Town of Mount Holly

Dated: 30 June 2022

APPENDIX 1: LIST OF AREAS AND TREES TO BE INCLUDED

This appendix has several sections. Primarily it has the main inventory of locations and of surveyed trees in those locations which are proposed to be protected by the preservation plan. Another section describes the process to update and approve changes to these inventories. Since many of the trees proposed to be protected were planted by the town on private property, another section has a template for agreements between landowners and the town for those trees to be designated as Shade Trees. A final section deals with arrangements with the state and the power company for trees which are in the right of way of these entities but which the town wishes to protect as Shade Trees

This initial listing as of February 2022 is limited to a few specific places which are representative of locations where trees which should be protected as Shade Trees are found within the town. It is intended that this appendix will be updated as the list of locations is expanded and the inventory of trees increased.

Location of Shade Trees

As of February 2022, the following areas have been surveyed to varying degrees of completeness.

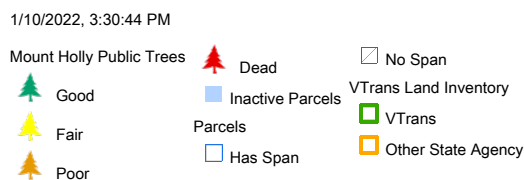
1. Maple Hill Road---from the intersection of Healdville Rd to Route 155
2. Star Lake Recreation Area
3. New Mechanicsville Cemetery -- Only trees planted circa 2008 with money granted to the town and close to Maple Hill Rd
4. The Green area in the center of Belmont owned by the church and several other trees planted with funds granted to the town along Belmont Road and Healdville Road near the "center" of Belmont.
5. Future areas to be surveyed
 - a. Packer Cemetery
 - b. Old Turnpike Road
 - c. TBD

Details for each location

This section contains details on the area mentioned above and which will serve as the guide to ongoing care foreseen in the main body of the plan. As such, this is detailed guide to implementing Mount Holly Shade Tree Preservation Plan.

1. Maple Hill Lane

- a. Trees Bordering Tatangelo property.... These tree were planted by town with funds provided by the Vermont Urban and Community Forests program and the Tantangelo family. They lie just outside the town right of way and will require a formal arrangement with the property owner to be protected by the Shade Tree Plan. There is also an indication of any required maintenance or care.



Esri, HERE, Garmin, IPC, Maxar

b. Maple Hill Road from Rt 155- Straight Road

The plan designates all Maple Trees within the town right of way on this section of the road as Shade Trees to be protected by this plan.

2. Star Lake Recreation Area These trees, although very unlikely to have been planted by the town, certainly qualify for their esthetic and recreational value as Shade Trees. They are obviously on town property.



3. Mechanicsville Cemetery: There are 12 maple trees planted here in 2006-2008 with funds granted to the town. These trees will be included in the Shade Tree Plan subject to an agreement between the town and the cemetery management.
4. The green area in the Center of Belmont owned by the church and several trees along Belmont Road and Healdville Road which were planted with funds granted to the town but just outside the town right of way. These tree will require agreements with the landowners.

APPENDIX 2: Procedure to update and approve additions or changes to the Shade Tree inventories

As necessary, but at least annually, the Tree Warden will present to the selectboard an update to this appendix in order to add new areas and new trees to the preservation plan. Prior to the presentation to the Selectboard, the updated plan will be posted and made available to the residents of Mount Holly for a period of 14 days and solicit comments. In addition, the Tree Warden will inform any landowners whose property might be affected. Residents may petition the selectboard within 14 days of the posting for a public meeting to discuss the update. The selectboard will make a decision on whether or not to accept the proposed update in whole or in part. The Selectboard decision will be final.

Agreement to include trees in the
SHADE TREE PRESERVATION PROGRAM

The undersigned owner hereby grants to the Town of Mount Holly and its agents the right and privilege to include specific trees on owner's property at _____ in the Town of Mount Holly in the town's Shade Tree Preservation Program (which is attached here for reference). The purpose of Shade Tree Preservation Program is to maintain health of these trees in order to enhance the cultural, historical, or aesthetic character of the town.

The undersigned owner agrees and acknowledges that any tree or trees Included in this program shall benefit from and be constrained by the Shade Tree Preservation Program. In particular, the program foresees the potential planting of new trees as well as the care and maintenance through feeding, pruning and protection from disease and pests. If a tree in the program requires maintenance, the Tree Warden will inform the landowner of the required treatment and together arrange for the treatment. If the Tree Warden determines that a tree on the property requires removal, the landowner and the Select Board shall be notified and any disagreement will be adjudicated by the Select Board.

The owner agrees that personnel working at the Tree Warden's direction have the right to access the property to plant, monitor and maintain the tree as well as maintain the area with three feet of the tree as necessary for the health of the tree. The Tree Warden will provide reasonable notice to the Property Owners prior to exercising this right of access. As foreseen in the Shade Tree Preservation Program the trees may not be removed, pruned or otherwise altered without permission from the Tree Warden.

Dated at Mount Holly, Vermont, this _____ day of _____, 20_____.

_____ Property Owner