



Town of Bridgewater

Tree Committee

January 10, 2023

2:00 PM

The meeting will be held virtually via Zoom.

To attend via video, click on the link below:

<https://us06web.zoom.us/j/83507227641>

To attend via phone, dial: 1(646) 876-9923

Meeting ID: 835 0722 7641

MEETING AGENDA

Disclosure: Pursuant to Section 20 of Chapter 20 of the Acts of 2021, An Act Relative to Extending Certain Covid-19 Measures Adopted During the State of Emergency, this meeting for the Town of Bridgewater will be fully remote and accessible to the public through remote participation to the greatest extent possible. There will be no in person attendance permitted. Citizens who wish to tune in to the meeting may do so via Zoom.

- A. Call to Order**
- B. Approval of Meeting Minutes**
 - a) December 12, 2022 Meeting Minutes
- C. Public Comment**
- D. Old Business**
 - a) Continued discussion of organizational issues, in particular the choosing of an arborist for the committee
- E. New Business**
 - a) Shade Tree Ordinance - does it need to be modified
 - b) Mitigation Fund - Discussion on whether to use now or later
 - c) Discuss goals for the year
- F. Adjournment of Meeting**



Town of Bridgewater Tree Committee

December 12, 2022

2:00 PM

MEETING MINUTES

Call to Order

The Tree Committee meeting was called order at 2:00p.m. The meeting took place via Zoom.

Committee Members Present:

Ray Ajemian, Shirley Krasinski, Nicole Holmes, Bill Maltby and Paul DeCosta.

Public Comment – None

New Business

a) Nomination of Chairman

Ms. Krasinki nominated Mr. Ajemian for Chair of the Tree Committee, which was duly seconded by Ms. Holmes.

Roll-call vote: Ajemian – Yea; Krasinki – Yea; Holmes – Yea; DeCosta – Yea; Maltby – Yea. Motion passed 5-0.

b) Nomination of Vice-Chairman

Mr. Maltby nominated Mr. DeCosta as Vice-Chair, which was duly seconded by Ms. Krasinki. Mr. DeCosta asked to hold off for now as he was not sure how much time he could commit to the Tree Committee.

Mr. Ajemian nominated Ms. Krasinki as the Vice-Chair which was duly seconded by Ms. Holmes.

Roll-call vote: Ajemian – Yea; Krasinki – Yea; Holmes – Yea; DeCosta – Yea; Maltby – Yea. Motion passed 5-0.

c) Discussion of the Mission of the Tree Committee

Mr. Ajemian noted that the Mission Statement was created by the Town Manager so that is all taken care off.

d) Discussion of Future Meetings Dates (Frequency)

Mr. Ajemian suggested that meetings being held the 2nd Tuesday of each month beginning on January 10, 2023. All agreed.

Mr. Ajemian noted that there are 2 other positions on the board, one being an Arborist. Mr. Maltby noted he will try to find someone to serve on the board. He will check Mass website and will have an update at the next meeting.

Mr. Ajemian noted that he would like the Shade Tree Ordinance on the next meeting for discussion. It is on Page 286 of the Town Code. Would like everyone to look it over.

Old Business – None

Adjournment of Meeting

Ms. Krasinki made a motion to adjourn, which was duly seconded by Mr. DeCosta.

Roll-call vote: Ajemian – Yea; Krasinki – Yea; Holmes – Yea; DeCosta – Yea; Maltby – Yea. Motion passed 5-0.

Meeting adjourned at 2:31 p.m.

ordinance shall remain open to public use for a period not less than the expected lifetime of the repair as determined by the Town Manager.

Reference, M.G.L. c. 40, section 6N



Chapter 290. Shade Trees

Article I. Shade Trees

Section 1. Purpose and Definitions

This Ordinance is based on MGL, Chapter 87, Shade Trees, and MGL, Chapter 242, Waste and Trespass. It is meant to provide further clarification, implementation and enforcement of procedures applicable to the Town of Bridgewater.

Bridgewater is committed to maintaining and protecting its natural resources in order to enhance the quality of life of its citizens. It is a well established fact, that Trees, Shrubs, and Plants moderate the negative effects of pollution, temperature and water runoff. The trees and other vegetation growing along its roads contribute to the health of its citizens and beauty of the environment. Wildlife habitats are sustained and the rural character of the community differentiates it from more urban surroundings. In concert with the Master Plan, and Town ordinances, the economic value of the landscape along its roads, appeals to one's aesthetic sensitivity and connotes a sense of stability in commercial and residential areas.

The following definition shall apply:

Hazardous Tree: A tree with structural defects likely to cause failure to all or part of the tree, which could strike a target such as a person, vehicle, utility lines, structures, or block public ways.

Public Tree: Any tree on public land, including public shade trees.

Public Shade Tree: A tree growing within or on the boundary of the public right-of-way and subject to the Provisions of MGL, Chapter 87. In Bridgewater a tree may also be considered to be in the public way if either its root system or its branches extend into the public way as determined by the Tree Warden, Highway Department or Planning Board. A tree on a private way that has been laid out such that it will remain open to the public.

Tree Warden: The elected town official responsible for implementing and enforcing state and town laws and policies regarding trees subject to appeal to the Hearings Officer as herein provided.

Section 2. Protection of Shade Trees

Public shade trees shall not be cut, broken, defaced, mutilated, set fire to, or permit a fire such

that its heat will injure any portion of the tree, shrub or plant. Nailing of signs, posters, handbills, paint and rope or wire (other than that used to support a young or injured tree) is prohibited. Attaching electrical conduits, telephone or cable wires, allowing gaseous liquid or solid substances which are harmful to a tree, its leaves or root system are prohibited. Temporary stringing of holiday lights that are in compliance with the above may be permitted. No person shall, without lawful authority, remove, cut, deface, mutilate or apply paint to any tree, bush or flower or plant growing on land held under the jurisdiction of any Town board.

Section 3. Removal Permit

Any person, firm, corporation or agency that in the course of construction or subdivision development wishes to remove any living Public Shade Tree with a caliper 1.5" or greater at 5 feet above grade level shall, in accordance with Chapter 87 Section 3 of the Massachusetts General Laws, obtain a permit from the Tree Warden; and, if removal is permitted, shall at no cost to the Town, within the spring or fall months following completion of construction, replace in locations specified by the Tree Warden a number of smaller trees determined to be equivalent on the following basis:

The total caliper of all replacement trees shall equal or exceed the total caliper of all trees to be removed. Replacement trees shall be balled and burlapped and of a caliper not less than 2" in diameter at 5' above grade level. Species, caliper and location of replacement trees shall be determined by the Tree Warden at the time of issuance of the permit and/or hearing.

The Tree Warden may require a bond, escrow account, irrevocable letter of credit, or other surety to ensure Public Shade Tree replacement. Such surety may be held for one year from the date of planting to ensure survival of the replacement trees. At the option of the applicant, the Town may, upon payment of an agreed-upon sum, replace said trees according to the standards herein set forth.

When highway or utility projects require the removal of public shade trees, the cost of tree replacement shall be included in the cost of the project.

Section 4. Temporary Protection; Excavation

A 12 foot square barrier shall be placed around any tree including its roots and branches where excavation, construction or repair of a building, structure or road work is taking place. No person shall excavate any ditches, tunnels, trenches, lay any driveway, turn around or parking facility or place building material, chemicals, or other materials which may prohibit the tree from getting water, air and fertilizer including excess dirt or other debris, within this barrier without first obtaining a permit from the Tree Warden.

Section 5. Tree Warden Responsibilities

Public shade tree removal procedures are the responsibility of the Tree Warden. These procedures assure compliance with state and federal law and are intended to prevent hasty or ill-considered destruction of valuable town assets.

Section 6. Permit from Tree Warden; Public Hearing

Any person wishing to cut, trim or remove a public shade tree, shrub or plant within the public

way must obtain a written permit from the Tree Warden. The permit enables the person to a public hearing as specified in MGL, Chapter 87, Section 3. The person requesting the permit shall bare all costs for the hearing as determined by the Tree Warden and payable upon receiving the permit. This applies to all projects that involve construction of structures, roads, sidewalks, and delivery of water/sewer and utility systems.

Section 7. Insurance Requirements

A contractor engaged in the business of pruning, trimming or removing trees must be licensed and approved by the Tree Warden in compliance with A.N.S.I.Z-133 and N.A.A. standards. The tree removal contractor shall provide certificates of insurance as follows:

- \$ 100,000. Workmen's Compensation
- \$ 300,000. Bodily Injury
- \$ 300,000. Property Damage
- \$1,000,000. Excess Liability

Section 8. Applicant Obligations

Upon successful completion of the Permit and Hearing process, the applicant shall pay for the following: the Tree Removal contractor; A bond in a form and amount approved by the Tree Warden, prior to commencement of work, (The Bond will be released after the successful completion of all items of work. Such surety may be held for up to one year from date of planting of replacement tree(s) to ensure their survival); All legal advertising/notices/mailings; Cost of shrub, plant, tree and stump removal including disposal of all debris and grading the area with loam; Cost of police traffic details, repair of road and shoulder, protection and restoration of utilities and structures; All other costs related to the tree, shrub and plant removal and replanting; Replanting of replacement tree(s) etc. at the discretion of the Tree Warden with consultation of the Department of Public Works.

The Tree Warden has jurisdiction over all public shade trees, shrubs, and plants in the town of Bridgewater. Nothing in this Ordinance shall prohibit the Tree Warden from refusing to permit the removal of a non-hazardous tree. The Tree Warden may refuse to grant the permit for the removal of a non-hazardous tree if in his/her judgment, the tree is of historic or scenic value, of a size or species unique to this area, beneficial to wildlife or a healthy, significant specimen for this landscape. Likewise, any tree or shrub growing within the public right of way which may endanger the life, health, safety or property of the public, or public's needs for services may at the determination of the Tree Warden cause the tree, or shrub to be trimmed or removed. These may include but are not limited to hazardous trees.

Section 9. Violations; Fines

In addition to this levied by Chapter I, any person who cuts, trims, damages or removes a public shade tree without a permit and hearing as required by law shall be subject to cumulative fines as follows: Up to \$500. as provided by MGL, Chapter 87, Section 6; A fine of \$20 under provisions of MGL, Chapter 87, Section 2; The value of the wood; Triple damages under MGL Chapter 242, Section 7.

The Town requires replacement of any public shade tree over 1.5 inches in diameter. The value

of the existing shade tree is to be calculated on a two inch for one inch replacement basis. For example, if an 18 inch diameter tree, measured five feet above grade is to be removed, the applicant must sufficiently reimburse the Town for purchase and planting of nine, two inch diameter replacements. Replacements shall be at least two inch in diameter, B&B nursery grown stock. The Tree Warden may determine the species. At the discretion of the Tree Warden, the person who removed the tree shall either (i) Arrange to plant suitable replacements using his own contractor working to the Town's specifications, or (ii) make a contribution to the Town to be used exclusively for the purchase and planting of replacements, and related expenses.

If an applicant proposes to trim or prune a public shade tree, and in the opinion of the Tree Warden the proposed work will drastically affect the health, beauty, structural stability, or safety of the tree, the Tree Warden may consider the proposed work to have the same effect as the removal of the tree and require appropriate replacement plantings as indicated above.

Decisions made by the Tree Warden in granting or denying a permit may be appealed to the Hearings Officer within ten (10) days from the date of the decision.

Chapter 300. Vehicles

Article I. Parking of Unregistered Vehicles.

Section 1. Prohibition

The owner or person in control of any private property shall not suffer or allow the parking or maintenance of more than two unregistered vehicles in the open, on any premises, or lot or parcel of land in any Residential Zoned District in the Town of Bridgewater.

Chapter 320. Wetland Protection

Article I. Wetland Protection

Section 1. Purpose

The purpose of this ordinance is to protect the wetlands, related water resources, and adjoining land areas in the Town of Bridgewater by controlling activities deemed by the Bridgewater Conservation Commission likely to have a significant or cumulative effect upon wetland values, including but not limited to the following: public or private water supply, groundwater, flood control, erosion and sedimentation control, storm damage prevention, water pollution control, fisheries, wildlife habitat, recreation, aesthetics, and agricultural values (collectively, the "wetlands values protected by this ordinance").

Section 2. Jurisdiction

Except as permitted by the Bridgewater Conservation Commission or as provided in this ordinance ~~by law~~, no person shall remove, fill, dredge, build upon, or alter the following areas:

- a) Within 100 feet of any freshwater wetland, marsh, wet meadow, bog or swamp;
- b) Within 100 feet of any bank, lake, pond, stream;
- c) Any land under said waters;