



TOWN OF SHELBURNE

Tree Policy

1. Introduction

The Shelburne Town Council believes that trees are assets which enhance the quality of life in our community. Trees are an important element of our community's natural and cultural landscape. Tree cover is recognized as contributing to human health and quality of life and therefore it is the Council's intent to maintain and enhance tree cover within the Town of Shelburne to maximize the benefits to the community. Preserving our trees will leave a legacy for future generations to benefit from.

2. Benefits of Trees

Trees provide benefits under all four of the Pillars of Sustainability described in the Town of Shelburne's Integrated Community Sustainability Plan:

a) Cultural

- Enhancing street landscape
- Improving community aesthetic
- Protecting heritage features and areas

b) Economic

- Increasing property values
- Reducing energy consumption

c) Environmental

- Reducing airborne pollution and improving air quality
- Preventing soil erosion and protecting well water quality
- Providing habitat for wildlife
- Reducing greenhouse effect

d) Social

- Providing recreational opportunities – Screening traffic noise
- Reducing snow drifting
- Providing health benefits
- Producing food for people and animals

3. Policy Statement

The Town of Shelburne Public Works Department is responsible for the care and maintenance of all trees on all Town property including Town-owned parks. The Town of Shelburne Tree Policy is enacted in order to provide for the protection of trees, control the removal of trees and encourage the planting of trees.

It is the policy of the Town to:

- a) Ensure the proper protection and maintenance of Town-owned trees; remove dead, dying or diseased trees on public property; and, plant replacement trees.
- b) Encourage the proper protection and maintenance of privately owned trees in the Town.
- c) Promote the planting of trees of suitable species at desirable sites within the Town.

Areas Covered by Policy

This policy applies to all Town property including: right-of-ways; easements; parks; open spaces; and land covered under lease agreements with third parties.

4. TREE PLANTING

Selection of the best quality tree and the most appropriate location to plant are key factors in the long term success of a tree.

The success of tree planting relies on:

- Choosing the right species for the site
- Creating as much rooting space as possible
- Preserving and establishing good soil quality
- Controlling water availability and drainage
- Planting at the proper depth
- Protecting the ground area around the trunk
- Making allowances for proper maintenance

5. Tree Species Selection

Tree species shall be selected from the approved tree list in Appendix A to be chosen based on site characteristics and design. Street Trees: typically species that will tolerate roadside conditions and will grow to a medium height. Non-Street Trees: typically large stature shade trees with large leaf areas (encouraged as they provide more environmental benefits than small stature trees).

Staff will consider the level of maintenance the tree requires and the ability of the Town to care for the tree. Other considerations will include future rooting demands and the available growing space for the tree canopy. Native species will be used when appropriate for the site-specific growing conditions. The existing populations of trees in specific neighbourhoods must be considered when specifying species for planting. Avoid mass planting of a single species to promote long term sustainability. The potential for widespread disease and subsequent costs associated with removal and replacement of the trees will be considered.

6. Street Trees

The Town's Public Works Department is responsible for the selection, location and planting of street trees in accordance with this policy. The selection of suitable sites for the location of street trees is a difficult process. Species selection is made to ensure the tree lives as long as possible.

POLICY

The spacing and location of street trees varies. Street trees shall in general be spaced 10 to 20 metres apart on major roads where sidewalks are present. On local roads in residential areas where sidewalks are not present trees may be spaced 5 to 10 meters apart where possible.

Trees with similar shape should be matched one side of the street to the other where possible to provide a 'closed canopy' effect at maturity. Trees will be selected to ensure minimal conflict with utilities, driveways, curbs, sidewalks and other trees. No new trees shall be planted directly in front of building entrances, under overhead wires or directly over underground services unless trees so planted are specifically selected to mitigate disruption to this infrastructure. Trees will not be planted within 3m radius of a structure. In commercial areas consideration will also be given to ensuring trees are located so as not to reduce available on-street parking.

Considerations for street tree selection and location include space limitations, diversity of soil, tree species availability and any obstructions such as utility poles or signs. Planting will take place in the spring and fall of each year. The types of plantings selected shall include trees which are adaptable to roadside conditions, resistant to chemicals, quick growing, hard and which blend in well with the surrounding landscape. Species such as poplar and willow are banned for street tree planting. Coniferous needle-bearing trees or other species will not be planted on the right-of-way where they will cause sight line obstructions but may be considered if the location supports placement of this type of tree.

To maximize the likelihood of survival street trees will have a minimum bole diameter of 40 mm at a point 50 cm from the ground and be a minimum of 2 metres in height at the time of planting.

7. Non-Street Trees (Parks and Naturalized Areas)

Where possible, trees will be planted in parks. Large trees are recommended for parks, meadows, or other open areas where their large size will not be restricted, cause damage or become a liability. The trees should be planted in groupings to complement each other and other species. Consideration of respective growth habits must be considered when choosing the trees to be planted at any particular site and preparation of landscape designs must be made prior to commencement of work. The Town of Shelburne Public Works Department has full control over all species planted in park areas.

Although consideration may be given to the planting of trees with edible fruit in non-street locations, trees with large or messy fruit may be planted only in limited situations. Trees with large thorns are not to be planted in any location.

No person shall remove, or cause, or permit the removal of any tree on Town property – including Town-owned parks and naturalized areas – without prior written approval from the Town.

8. Replacement Trees

Subject to budget and available funding, the Town of Shelburne will try to replace all trees that have been removed due to construction, storms, or poor health. Additional trees may be planted, subject to the budget approval. The planting of trees shall be done by the Public Works Department or a qualified contractor. When possible, this will take place within one year of the tree being removed. In the case of street trees the adjacent property owner will be notified in advance and it is possible for them to

request a specific tree from the approved tree list in Appendix A; Public Works will make the final selection of replacement trees.

The Town will maintain the character of its mature tree-lined streets by replacing any street tree requiring removal with a new tree planted as close as practical to the location of the original as possible. Each site will be assessed to determine if there is space to replant. If there is insufficient space to locate the replacement trees in the immediate neighbourhood, the replacement tree will be planted elsewhere on Town property. The cost associated with replacement trees which are planted will be borne by the Town of Shelburne or through tree fund donations.

9. TREE MAINTENANCE / REMOVAL

The Town of Shelburne Public Works Department is continually involved in an ongoing tree maintenance program. Town trees are pruned for a variety of reasons including removal of broken, dead or diseased limbs, restriction of growth or removal of obstructions which may interfere with traffic.

Tree maintenance performed on Town-owned lands shall be done by the Town or a contractor under the direction and to the satisfaction of the Supervisor of Public Works, or designate. Upon completion of the tree maintenance operation, brush and debris will be removed and the area raked and swept clean.

a) Objectives

- To ensure an effective tree maintenance program that preserves the integrity of streetscapes and open spaces;
- To ensure that tree maintenance operations are done in a safe and efficient manner;
- To maintain necessary traffic sight lines and street clearance; and,
- To address emergency tree maintenance issues in an appropriately timely fashion.

b) Removal

Trees represent one of the few Town assets which grow in value over time and enhance the natural beauty of our community. Consequently, trees will not be removed from Town property without just cause. Trees will be considered for removal only when they are located on Town property and are found to be dead, in severe decline, damaged beyond the point of repair, interfering with the Town infrastructure or are found to be of poor quality, or undesirable species whose removal is required to facilitate new street tree plantings. Every attempt to preserve the tree (i.e. root cutting) shall be made before removal is considered to be an option. The Town's Public Works Department will determine if the tree is on Town property. Trees determined to be on private property are the sole responsibility of the property owner.

The stumps of trees so removed will be removed only if the Public Works Supervisor deems them hazardous or they interfere with public infrastructure.

Once the tree is removed, the wood is left on site for the adjacent property owner, if requested. If the property owner does not want the wood, it will be left on site for seven (7) days to be collected by the public. If the wood has not been collected after seven (7) days it will be removed by the Public Works Department.

c) Liability

The Town of Shelburne is not liable for failure to remove a diseased or dangerous tree or limb from property, whether publicly or privately owned.

d) Compensation for Damaged Trees

The Town will endeavour to achieve compensation to the full value of any public trees that are willfully damaged or become damaged as a result of an accident. Trimming or removing any tree rooted on Town land without prior written authorization from the Town will be considered as willful damage under this policy. The value of replacement trees will be determined in accordance with this policy.

10. PRIVATE PROPERTY

The Town shall not remove trees from private property unless the owner has granted written permission or an order requiring the removal of the tree has been issued. The Town may remove hazardous, diseased, and/or insect infested trees from private property that overhang the public right-of-way, when it is able to obtain the property owner's written consent to do so or an order requiring the removal of the tree has been issued.

Council hereby authorizes the Chief Administrative Officer or a designated employee to order an owner of land, within thirty (30) days of services of a copy of the order, to remove a tree, shrub or limb that is, in the opinion of the Chief Administrative Officer or a designated employee, hazardous to persons or property or so affected by disease or insect infestation as to endanger the life and health of trees in the vicinity. Examples of trees, shrubs or limbs that may be hazardous to persons or property are trees, shrubs or limbs that project into the sidewalk or street which may hit a pedestrian, strike snow-removal equipment, or obstruct the view of a motorist. An order so issued must contain a description of the location of the tree or limb directed to be removed.

If an owner fails to remove a tree or limb described in an order issued under this Policy, within 30 days of service of a copy of the order, a person authorized by the Chief Administrative Officer and/or other designated employee may enter upon the land upon which the tree or limb is situated, without warrant or other legal process, and remove the tree or limb. The actual cost of the tree or limb removal is to be recovered as a debt from the owner of the land upon which it was located, and is a first lien on the real property of the owner of the land and may be collected in the same manner as taxes.

The Town adopts as policy all of the provisions of section 63 of the Municipal Government Act, and its employees shall follow the law and procedures set forth therein.

11. COMMUNITY PARTICIPATION

a) Maintenance

If a property owner wishes to have a contractor perform town-approved maintenance on a town-owned tree adjacent to the Owner's property at the property owner's expense prior written approval citing the exact nature of the maintenance must be obtained from the Town. The Chief Administrative Officer or a designated employee is hereby authorized to approve applications made pursuant to this section;

contractors will be required to provide proof of WCB registration and insurance before any application can be approved.

b) Removal

Property owners who wish to have Town-owned trees removed from Town property adjacent to their home for other reasons, including leaves in the fall, problems growing grass under the trees in the summer or they simply do not like the tree in its present location, must receive approval for such a tree removal from the Town Council. Property owners should provide written notice of their request for removal so as it may be placed before Council. These removals, if approved by Council, will be at the property owner's expense, and a suitable replacement tree, as per this policy will be planted at the property owner's expense in accordance with this policy.

c) Planting

The Town will allow residents to apply to have a tree planted on municipal property. Members of the public may apply to have a tree or shrub planted on Town property at their expense. The Chief Administrative Officer or a designated employee is hereby authorized to approve applications made pursuant to this section. All trees planted must conform to the criteria placed on the planting of trees as determined by this policy; requested plantings conforming to the provisions of this policy will be approved wherever possible. All requests will be accommodated within one year, when possible. Any tree or shrub planted on Town property becomes the property of the Town once planted.

d) Donations

Through our Tree Dedication Program, friends and families can create a dedication or memorial by placing a tree in one of the Town's parks, playgrounds or trails. With prior approval, dedications can be placed in any park, playground or walkway in the Town of Shelburne, including Pine Grove Cemetery. A plaque listing the donated trees and names of loved ones will be created and displayed on Town Property to acknowledge Memorial trees and Donated trees. These dedications are attractive additions to our public areas and serve as a lasting reminder or a timeless gift to a loved one. Costs for trees may vary in any given year. Contact the Town Office for more information.

Passed By Council: January 20th, 2020