

Public Shade Tree Removal Process
Town of Bernardston, Massachusetts

Massachusetts General Laws Chapter 87, Section 3 (Public Shade Tree Law) defines all trees within a public way or on the boundaries thereto as public shade trees. If it is doubtful whether the tree is within the public way, it shall be taken to be within the public way until the contrary is shown. Public shade trees cannot be cut, trimmed or removed without a prior written permit from the Tree Warden after a Public Hearing duly advertised.

The procedure for securing a permit to cut, trim or remove a public shade tree (town tree) is as follows:

1. A written request is made to the Tree Warden to remove a public shade tree by sending an email to the tree warden, brad.bordewieck@comcast.net or by calling (413)834-5736. The tree warden will do an assessment of the tree(s).
2. The Tree Warden will schedule a public hearing for tree removal requests. The public hearing is held by the Board of Selectmen. In circumstances where the public shade tree is located within a scenic road and where the Scenic Road Act is triggered, the hearing is held with the Selectboard and the Planning Board.
3. Notice of the public hearing is given by the Tree Warden, identifying size, type and location of the shade tree or trees to be cut down or removed. The notice shall be posted in two or more public places in the town and upon the tree at least seven days before such hearing and published in a newspaper of general circulation in the town once in each of two successive weeks, the first publication to be not less than seven days before the hearing.
4. The Tree Warden inspects the tree or trees and issues a recommendation to the Board of Selectmen or Planning Board.
5. Upon completion of the public hearing, if the tree is approved for removal, the Tree Warden issues a written permit for the removal of the tree or trees.

If written objection is made by one or more persons to the Tree Warden at or before the public hearing, a permit to cut or remove cannot be issued unless approved by the Board of Selectmen.

For any nonhazardous town tree(s) that are cut down, the person (s) are responsible for both the removal and the cost to remove the tree(s). In addition, those person(s) shall donate funds to the tree planting account in an amount deemed appropriate by the town select board. For every inch of (tree) caliper removed, will require a \$100 donation into the tree planting fund. For example, a 5" caliper tree will be \$500, and 10inch caliper tree will be \$1,000 etc.

If town trees are cut down without a written permit from the tree warden, a donation will be required which is double the above amount, whether the tree(s) where hazardous or not. The purpose of contributing to the tree planting fund is to replant public shade trees within the Town of Bernardston. These tree plantings are often coordinated as an outdoor learning activity with students in town.