

Public Shade Tree Removal  
Town of Bernardson, 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 calling or sending the written request or an email to the Tree Warden. Contact information is available on the town website. The Tree Warden will assess the tree(s).
2. The Tree Warden will schedule a public hearing for tree removal requests. The public hearing is held by the Selectboard. 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 (7) days before such hearing and, at the applicant's expense, published in a newspaper of general circulation in the Town once in each of two (2) 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 Selectboard 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 Selectboard.

For any nonhazardous Town tree(s) that are cut down, **the person(s) receiving the permit** 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 Donations special revenue fund in an amount deemed appropriate by the Town Selectboard. Reimbursement to the Town is required for every inch of tree caliper removed. Each measured inch will require a \$100 reimbursement into the Tree Donations special revenue fund. For example, a 5" caliper tree will be \$500, and a 10" caliper tree will be \$1,000, etc. If Town trees are cut down **without** a written permit from the Tree Warden, reimbursement will be required which is double the above amount, whether the tree(s) were hazardous or not. The purpose of contributing to the Tree Donations special revenue 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.