

TREE PRESERVATION

CHAPTER 29A.

TREE PRESERVATION.

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Article I. In General.

Sec. 29A-1. Title.

This chapter shall be known as the "Tree Preservation Ordinance for the Town of

Westfield." (G.O. No. 1697, § I; G.O. No. 1806.)

Sec. 29A-2. Purpose; legislative intent.

(a) *Promote the general welfare.* It is the intent of this chapter to promote the general welfare of the people of the town by protecting, regulating, planting and cutting trees in such a way as to preserve the environment in the town. Trees that should be protected include, but are not limited to, shade and ornamental trees and other trees that act as barriers to surface water flow and soil erosion, or that otherwise provide an environmental benefit to the town.

(b) *Coordination.* It shall be further the policy of the town to improve and coordinate the plans for the protection, regulation and planting of trees with the overall environmental plans of the town in cooperation with the federal and state governments. (G.O. No. 1697, § I; G.O. No. 1806.)

Sec. 29A-3. Legislative findings.

(a) *Air pollution prevention.* It is absolutely essential to our citizens to remove pollution from our air. It takes approximately twenty mature trees to clean the air of gases produced from vehicular traffic consuming five gallons of gasoline. Healthy trees greatly assist in this battle against air pollution since moist tree foliage traps dust and soot particles until the rain washes them away.

(b) *Sound barriers.* Properly planted and nurtured trees are also needed since they create sound barriers which help in the reduction of the noise level made by vehicular traffic, trains and air traffic.

(c) *Additional environmental benefits.* Shade and ornamental trees provide shade, beauty and grace to the town. Trees also act as barriers to surface water flow and soil erosion which, without the proper control, could become a problem in the town. (G.O. No. 1697, § I; G.O. No. 1806.)

Sec. 29A-4. Definitions and word usage.

(a) *Definitions.* Whenever used in this chapter, unless a different meaning clearly appears from the context or unless a different meaning is stated in a definition applicable to only a portion of this chapter, the following terms shall have the meaning indicated: *Aesthetic improvement cut.* The removal, to the extent possible, of the minimum number of the smallest and poorest specimens of trees so as to permit land development and the retention of the maximum number of the larger and better specimen of trees.

Clear cutting. The removal of all standing trees on a lot or portion of a lot.

Code Enforcement Officer. The official of the town charged with the responsibility of administering this chapter. In the absence of a designation by the town administrator, the code enforcement officer shall be the town engineer.

Diameter breast height or DBH. The diameter of a tree measured at a point on the tree four and one-half feet from ground level.

Person. Any individual, firm, partnership, association, corporation, agency or other entity.

Replacement tree. The tree, including a description of the species and the minimum diameter and height, which is required pursuant to sections 29A-12 or 29A-18.

Selective cutting. The removal of larger trees on an individual basis while leaving trees of lesser size for future harvest.

Shade tree. Any species of tree having characteristics which help provide shade, as determined by the code enforcement officer.

Site Plan. A development plan as defined in Chapter 25 of the Town Code.

Stop work order or order. An order issued by the code enforcement officer to stop any tree work or other activity which he believes is occurring in violation of any provision of this chapter.

Subdivision. The division of a lot, tract or parcel of land, including minor subdivisions and major subdivisions, as defined in Chapter 25 of the Town Code. *Thinning.* The removal of undesirable, competitive, diseased or damaged trees so as to cultivate and improve the development of the remaining trees on a lot.

Town. The Town of Westfield.

Town tree. A tree located on land owned by the town and/or a tree whose base is located in whole or in part within or adjacent to a street, highway or right-of-way in the town.

Tree. Any deciduous or coniferous species which reaches a typical mature height of at least twenty-five feet and a typical mature DBH of four inches or greater.

Tree bond. The bond which shall be posted for two years to provide for the cost of replacement of a replacement tree if such replacement tree dies during such two-year period.

Tree inventory. The inventory prepared by the tree preservation commission which lists the trees on vacant and subdividable lots in the town.

Tree preservation code enforcement panel or panel. The panel created to review appeals of permit denials and other actions by the planning board or code enforcement officer pursuant to the provisions of this chapter.

Tree preservation commission or commission. The commission created to assist the planning board and code enforcement officer in an advisory capacity on tree preservation and management matters pertaining to the town.

Tree preservation plan or plan. The additional information required as part of the tree removal application where property is being developed and requires subdivision or site plan approval.

Tree removal application or application. The written form required to be completed in applying for a tree removal permit.

Tree removal permit or permit. The permit issued by the code enforcement officer authorizing removal of trees as regulated by this chapter.

Tree trust fund. The fund created to collect money, pursuant to this chapter, for the purchase and planting of replacement trees. The commission will administer all funds provided to the trust fund including funds provided by developers pursuant to this chapter as well as donations, grants or bequests made to the trust fund.

(b) *Interchangeability.* Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.

(c) *Direction.* "May" or "should" indicates a permissive direction; "must" or "shall" indicates a mandatory direction.

(d) *Terms defined in other codes.* Where terms are not defined in this chapter and are defined in the Town Code, they shall have the same meanings as ascribed therein. (e) *Removal.* References in this chapter to "removal" of trees shall be deemed not to include the routine pruning of trees or the routine removal of tree branches and limbs. (G.O. No. 1697, § I; G.O. No. 1806; G.O. No. 1821, § 1.; G.O. No. 2047)

Article II. Regulation of Tree Removal.

Sec. 29A-5. Tree preservation commission; membership; terms; appointment.

(a) *Tree preservation commission.* A tree preservation commission is hereby created which shall assist the planning board in an advisory capacity on tree preservation and management matters pertaining to the town. The tree preservation commission of the town council shall consist of five members who shall be appointed by the mayor with the approval of the town council as follows: one member shall be a Class IV member of the planning board and shall serve for a one-year term; one member shall be a member of the building and town property committee of the town council and shall serve for a one-year term; and three members shall be from the general public ("general members"). Initially, one general member shall serve for a one-year term, the second general member shall serve for a two-year term, and the third general member shall serve for a three-year term. Thereafter, all general members shall serve for three-year terms. All members shall be residents of the town.

(b) *Functions.* The functions and duties of the commission shall include, but not be limited to:

- (1) Working with the code enforcement officer in reviewing tree removal applications;
- (2) Making recommendations regarding the issuance of tree removal permits to the planning board;
- (3) Conducting on-site visits to the properties of applicants before the planning board;
- (4) Creating an inventory of trees on vacant land and subdividable lots;
- (5) Identifying issues of special concern pertaining to tree preservation;
- (6) Developing tree preservation policies;

- (7) Creating and publishing, and/or generally communicating, a recommended species list of trees for the town;
- (8) Promoting and encouraging the planting of suitable species within the town; and
- (9) Participating in the development, coordination and implementation of tree planting plans for the town.

(G.O. No. 1697, § I; G.O. No. 1806.)

Sec. 29A-6. Tree inventory.

The tree preservation commission may, as a public courtesy, create an inventory listing the trees on vacant and subdividable lots in the town. Upon completion of the tree inventory, the town clerk shall send notices to property owners (as listed in the most current tax records) of those vacant and subdividable lots which are listed on the tree inventory. Notwithstanding the foregoing, the absence of a tree inventory or lack of notice as described herein shall not be a valid defense to any violation of the provisions of this chapter. (G.O. No. 1697, § I; G.O. No. 1806.)

Sec. 29A-7. Tree removal permit required.

Under the circumstances set forth in this section, no tree shall be cut or otherwise removed from any lands located in the town unless a tree removal application (as described in this chapter) has been approved by the planning board or the code enforcement officer, whichever is applicable, and a tree removal permit based thereon has been issued by the code enforcement officer:

- (a) Where property is being developed and requires subdivision or site plan approval; or
- (b) Where town trees are to be removed (provided that applications for removal of such trees shall only be made by the adjacent property owner(s)); or
- (c) Where properties that contain existing dwellings or structures that will be removed or demolished to facilitate the construction of a new or replacement building or buildings within the next six (6) months; or
- (d) Whenever three (3) or more trees, in the aggregate, having a DBH of eight inches or more are to be removed from a property over a six (6) month period.
- (e) Where there is any construction that may affect trees of 6 inch DBH or greater on Town or private property that are not otherwise approved for removal. These trees shall be protected with a barrier equal to a one-foot radius for each inch of DBH. Nothing is to be allowed within the barrier to prevent equipment from damaging the tree roots and to prevent the piling of soil on the roots. The Tree Removal application shall define and specify the placement and location of the barrier devices to be used to protect the specified trees.

(G.O. No. 1697, § I; G.O. No. 1806; G.O. No. 1863, § I; G.O. No. 2047)

Sec. 29A-8. Exemptions.

The following shall be exempt from the requirements of this chapter:

- (1) Commercial nurseries.
- (2) Pruning and removal of trees by utility companies to provide for line clearance of utility wires.
- (3) The Town of Westfield.
(G.O. No. 1697, § I; G.O. No. 1806.)

Sec. 29A-9. Tree removal application/tree preservation plan.

- (a) *Tree removal application.* A tree removal application shall indicate: (i) the name and address of the owner of the premises, (ii) the name and address of the applicant if other than the owner (accompanied by the owner's consent to the application) and (iii) a description by lot and block number(s) of the premises for which the permit is sought. The form of the application shall be determined by the planning board and shall be available from the department of public works. In the case of a subdivision where the final house footprint and related structures are not known at the time of application, the planning board shall condition its approval upon submission of a tree preservation plan and proposed planting plan as part of the construction permit application.
- (b) *Additional requirements where property is being developed and requires subdivision or site plan approval.* A person developing property which requires subdivision or site plan approval shall submit, at the same time as his application for subdivision or site plan approval, a tree preservation plan indicating proposed locations of roads, lot improvements and existing trees.
 - (1) The tree preservation plan shall contain the following information:
 - a. A description of the premises upon which tree removal is to take place by street address and Town Tax Map lot and block number.
 - b. The size of the lot upon which tree removal is to take place.
 - c. A survey of the species and quantity of trees which are to be removed, setting forth the location and type of each tree having a DBH of six inches or more.
 - d. Specific proposals for replanting or reforestation, if applicable.
 - e. A description of the type of tree removal project (i.e., thinning, selective cutting, clear cutting or aesthetic improvement cut and barrier devices to protect remaining trees).
 - f. Location of streams and watercourses and wetland property.
 - g. Location of slopes greater than ten percent where any tree removal is proposed.
 - h. Identification of any grade changes in excess of six inches around trees to be saved.

- (2) The applicant shall submit ten copies of the tree preservation plan to the planning board in accordance with this chapter.
- (3) The applicant shall also submit three copies of the tree preservation plan to the code enforcement officer at the time of submission to the planning board to enable the code enforcement officer to make his recommendations to the tree preservation committee. The code enforcement officer may accompany the tree preservation commission to the site and assist the commission in formulating its recommendations to the planning board.
- (c) *Time and place for filing of tree removal applications.*
- (1) When property is being developed and requires subdivision or site plan approval, or which is subject to section 29A-7(d), a tree removal application shall be filed with the planning board at least twenty-eight days prior to the next scheduled planning board meeting.
- (2) All other tree removal applications shall be submitted to the code enforcement officer.
- (d) *Conditions for issuance of building permit.* In those circumstances where the planning board requires that a tree preservation plan be submitted as a condition to its approval of an application, the approval of the tree preservation plan by the code enforcement officer or town engineer, as the case may be, shall be a condition precedent to the issuance of a building permit for any construction to occur on the property that is the subject of the tree preservation plan. The town engineer or code enforcement officer shall consult with the tree preservation commission in connection with the approval of the tree preservation plan.
- (G.O. No. 1697, § I; G.O. No. 1806; G.O. No. 2047)

Sec. 29A-10. Processing of tree removal applications.

- (a) *Reviewing applications when the property is being developed and requires subdivision or site plan approval.* The planning board shall review all applications for tree removal where the property is being developed and requires subdivision or site plan approval. The planning board shall act on such application in connection with the related development application at the public meeting concerning the application or within such additional time as is consented to by the applicant. The planning board shall refer to the application to the tree preservation commission for its report and recommendations. The planning board may rely on but is not bound by the report and recommendations of the tree preservation commission in reaching its decision to approve the tree removal application.
- (b) *Reviewing all other applications.* The code enforcement officer shall review all other applications as required under section 29A-7. The code enforcement officer shall act on the application within ten days of its receipt or within such additional time as is consented to by the applicant. The code enforcement officer shall refer the application to the tree preservation commission for its report and recommendations. The code enforcement officer may rely on, but is not bound by, the report and recommendations

of the tree preservation commission in reaching its decision to approve the tree removal application.

(c) *Expedited review for applications to remove trees which may be a hazard to persons or property.* The planning board or the code enforcement officer, whichever is applicable, shall act on an application for the removal of a tree which the applicant believes is a hazard to persons or property within ten days of its receipt, or as soon as is practicable. When the application is before the planning board, the planning board shall refer such applications to the code enforcement officer for a report and recommendations. The planning board may rely on the report and recommendations of the code enforcement officer in reaching its decision to approve the tree removal application. Notwithstanding the foregoing, in the event that applicant believes that the condition of a tree constitutes an imminent hazard to persons or property, applicant shall contact the code enforcement officer or other town official to make arrangements for elimination of the hazard. (G.O. No. 1697, § I; G.O. No. 1806.)

Sec. 29A-11. Criteria for approval of tree removal applications.

(a) *General criteria for approval of a tree removal application.* The determination of the planning board or the code enforcement officer, as applicable, in granting or denying a tree removal application or a tree removal permit shall be based on reasonable standards, including, but not limited to, the following:

- (1) Any area to be occupied by a building, drainage field, septic tank, swimming pools or similar facilities may have all trees removed within fifteen feet around the perimeter of such facilities;
- (2) Any area to be occupied by a paved surface such as driveways, sidewalks, patios, etc. may have a tree removed within five feet of such facility.
- (3) Any deviation from the requirements of paragraphs (1) and (2) hereof shall be subject to the review and approval of the code enforcement officer and tree preservation commission;
- (4) Except as permitted in subsection 29A-11(a)(1), there shall be no clear cutting permitted on slopes of ten percent or greater in grade; however, selective cutting or thinning is permitted; and
- (5) Other considerations:
 - a. Consideration may be given to whether the proposed action would cause soil erosion, impair existing drainage, lessen property values in the neighborhood or impair the aesthetic values of the area.
 - b. Consideration may be given to the number, species, size and location of existing trees in the area and the effect of the requested action on shade areas, air pollution, historic values, scenic beauty, and the general welfare of the town as a whole.
 - c. In an application for removal of any town tree, consideration may be given to the tree's health, the desirability of that species as a town

tree, whether the tree's condition and size provides a threat of damage to property, the condition and number of other town trees in the vicinity and whether there are other less onerous means of accomplishing the applicant's goals.

- d. Consideration may be given to preserving tree clusters.
- e. Consideration of other information the planning board or code enforcement officer, as applicable, finds pertinent to the decision including, if necessary, information obtained at a public hearing.
- f. If a site subject to the provisions of section 29A-7 requires more than seventy-five percent of the trees on the site to be removed, the applicant or owner shall make a contribution to the tree trust fund in the amount of one hundred twenty-five dollars for each tree above the seventy-five percent threshold that will be removed. Payments made thereunder shall be designated for the sole purpose of the replanting of trees in the town as performed by the town department of public works in coordination with the tree preservation commission. The funds shall be deposited into the tree trust fund administered by the tree preservation commission.

(b) *Intent.* The spirit of the provisions of this section shall be to grant permits in such a way that the town can meet its goals, including, but not limited to, preserving the environment, controlling drainage, preserving privacy and maintaining aesthetic and economic values in the town.

(G.O. No. 1697, § I; G.O. No. 1806.)

Sec. 29A-12. Permit conditions.

(a) *Specific conditions.* The planning board or the code enforcement officer, as applicable, shall have the discretion to impose specific conditions on the holder of a tree removal permit. Specific conditions may include, but are not to be limited to, requiring replacement trees, selecting the type of trees to be preserved and selecting the location of the trees to be preserved.

(b) *Changes after the tree removal application is approved.* In the cases of an application where a tree preservation plan is required, the applicant shall submit a revised tree preservation plan to the planning board for subsequent approval if the applicant changes the road pattern, lot layout site improvements, or makes any other material change in the site plan as determined by the code enforcement officer, after the application is approved.

(c) *When shade tree planting is required.* Any person developing a property which requires subdivision or site plan approval shall plant at least one shade tree for every fifty feet of frontage on any proposed or existing right-of-way. Closer spacing may be required for certain species as determined by the code enforcement officer and commission. All types and locations of shade trees to be planted shall be shown on the approved tree preservation plan approved by the planning board and shall be planted in accordance with the specifications for planting shade trees as provided by the planning board. If it is

impossible because of weather, season or other circumstances for the applicant to plant trees in accordance with this chapter, a person shall deposit in escrow with the town clerk an amount to be determined and specified by the code enforcement officer to cover the cost of purchasing and planting each tree. When applicable, no street shall be accepted by the town council until the code enforcement officer notifies the town council that the applicant has complied with this chapter.

(d) *Effective term of permit.* Any tree removal permit shall be valid for a period of no more than two years from the date of approval. The planning board or the code enforcement officer, whichever is applicable, upon showing of good cause by the applicant, may recommend the extension of any permit for an additional period not to exceed one year, provided that the applicant submits an updated application. (G.O. No. 1697, § I; G.O. No. 1806.)

Sec. 29A-13. Conditions to issuance of a certificate of occupancy.

Prior to issuance of a certificate of occupancy, where applicable, the code enforcement officer shall visit the subject site to determine whether there has been compliance with the provisions of this chapter and, where applicable, whether the trees designated for preservation in the tree preservation plan, are, in fact, standing. If the code enforcement officer determines that a replacement tree is required, the code enforcement officer will withhold the certificate of occupancy until the requirements of section 29A18 are satisfied. (G.O. No. 1697, § I; G.O. No. 1806.)

Sec. 29A-13.1 Notice

- (a) Following approval of a Tree Removal Permit, the owner of the property or an authorized agent of the owner shall provide notice in the manner set forth herein.
- (b) The owner of the property for which a Tree Removal Permit has been approved shall provide to each owner of lots adjoining the subject property and to the owners of wired or other facilities, the temporary removal of which may be necessitated by the proposed work, notice that a Tree Removal Permit has been issued.
- (c) The notice shall contain the following information:
 - (1) The date of the issuance of the Tree Removal Permit;
 - (2) Contact information for the owner of the property and the contractor to perform the tree removal, including name, address and telephone number and cellular telephone information, if any; and
 - (3) The estimated date of the proposed tree removal.
- (d) Notice to adjoining property owners shall be given at least three (3) days prior to the proposed date of tree removal by (1) serving a copy thereof on the adjoining property owner as reflected in the current records of the tax assessor of the town, or (2) mailing a

copy thereof by certified mail to the adjoining property owner at his address as reflected in the current records of the tax assessor of the town.

(e) The owner or his authorized agent shall file an Affidavit of Proof of Service of the Notice required by this section with the code enforcement officer.

(G.O. No. 2047)

Sec. 29A-14. Fees.

There shall be a two hundred fifty dollar (\$250.00) fee for applications which are subject to sections 29A-7(a), (b) or (c). There shall be a twenty-five dollar (\$25.00) fee for all other applications. (G.O. No. 1697, § I; G.O. No. 1806; G.O. No. 2047)

Sec. 29A-15. Appeals.

(a) *The tree preservation code enforcement panel.* A tree preservation code enforcement panel shall be created and shall be composed of the chair of the tree preservation commission or his designee, the chair of the planning board or his designee and the town administrator or his designee.

(b) *Right to a hearing.* Any applicant who is denied a tree removal permit or any other person who is affected by any other action by the planning board or code enforcement officer in connection with the enforcement of any provision of this chapter or of any rule or regulation adopted pursuant hereto, may request and shall be granted a hearing on the matter before the tree preservation code enforcement panel. A written petition requesting such a hearing and containing a statement of the grounds therefor shall either be delivered personally to the town administrator or sent by certified or registered mail, return receipt requested, within thirty business days from the date of the action which is being appealed.

(c) *Hearing.* Upon receipt of such a petition, the town administrator shall set a time and place for such a hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard and to show why the decision or action should be affirmed, overruled or modified. The hearing shall be commenced not later than ten business days after the day on which the petition was filed (or as soon thereafter as is practicable), provided that upon application of the petitioner, the town administrator may postpone the date of the hearing for a reasonable time beyond such ten business day period if, in his judgment, the petitioner has submitted a good and efficient reason for such postponement. The panel shall consider the findings of the planning board, the tree preservation commission and of the code enforcement officer, and the testimony and submissions, if any, of the petitioner. After such hearing, the tree

preservation code enforcement panel shall affirm, overrule or modify the action of the planning board or code enforcement officer.

(d) *Record of proceedings.* The findings and decision of the tree preservation code enforcement panel shall be in writing and entered as a matter of public record in the office of the town clerk. Such record shall also include a copy of every notice or order issued in connection with the matter. The record of these proceedings shall be retained for sixty days after the final decision is made.

(e) *Subsequent appeal.* Any person aggrieved by a decision of the tree preservation code enforcement panel or other final order may seek relief therefrom in any court of competent jurisdiction.

(G.O. No. 1697, § I; G.O. No. 1806.)

Sec. 29A-16. Enforcement.

(a) *Code enforcement officer.* Except as otherwise provided, the requirements of this chapter shall be enforced by the code enforcement officer who shall seek such penalties as are provided herein.

(b) *Issuance of stop work orders.* The code enforcement officer may issue a stop work order to immediately stop any tree work or other activity which he believes is being carried on in violation of any provision of this chapter. The stop work order shall be issued in writing and a copy served upon any person engaged in such tree work or such other activity. If no such person is present upon the property, the stop work order shall be served upon the owner of the property in question.

(G.O. No. 1697, § I; G.O. No. 1806.)

Sec. 29A-17. Violations and penalties.

Any person who shall violate the provisions of this chapter shall be liable for a fine of not more than one thousand two hundred fifty dollars (\$1,250). The illegal removal of each tree in violation of this chapter or the failure to adequately protect each tree during construction shall be deemed a separate violation carrying with it a separate fine. Each and every day such violation continues shall be deemed a separate and distinct offense. In addition to the foregoing, the town may institute and maintain civil action for injunctive relief restraining the continuance of any unlawful tree removal project. Ignorance of the existence of this ordinance or the provisions of this chapter shall not constitute a valid defense in either a civil or criminal proceeding. (G.O. No. 1697, § I; G.O. No. 1806; (G.O. No. 1863, § I; G.O. No. 2047)

Sec. 29A-18. Replacement trees.

(a) *When a replacement tree is required.* In the event of unauthorized removal or destruction of any tree or trees by any person or where the code enforcement officer or planning board has required the planting of a replacement tree as a condition to the

issuance of a tree removal permit, such person shall replace or provide compensation for each tree destroyed or removed in the following manner:

- (1) By providing a replacement tree which:
 - a. Shall be of like or, in the opinion of the code enforcement officer, a superior species;
 - b. Shall have a DBH of at least one-half of the DBH of the tree that has been removed or destroyed (the "DBH replacement requirement"), which DBH replacement requirement may be satisfied with multiple replacement trees; provided that (i) the sum of the DBH's of such individual replacement trees is at least equal to the applicable DBH replacement requirement and (ii) the DBH of each individual replacement tree is at least four inches in diameter;
 - c. Shall have a height of at least four feet above the ground; and
 - d. Shall be planted in such a manner as to be compatible with the spatial limitations and size of the species at maturity; or
 - (2) By contributing to the tree trust fund in an amount necessary to purchase and plant a replacement tree as set forth in subsection 29A-18(a)(1), provided that the right to choose this option is at the discretion of the planning board or code enforcement officer, whichever is applicable.
- (b) *Location of replacement trees.* The code enforcement officer shall determine the location and configuration for the planting of replacement trees, which determination will be based on, but not limited to, the following considerations: erosion, drainage, aesthetics, and tree clustering.
- (c) *Posting of bond.* In the event that a replacement tree is required on a property which is being developed and requires subdivision or site plan approval, a tree bond shall be posted for two years to provide for the cost of replacement of the replacement tree if such replacement tree dies during the two-year period.
- (d) *Tree trust fund.* A tree trust fund will be created and will be administered under the direction of the code enforcement officer in conjunction with the town administrator. (G.O. No. 1697, § I; G.O. No. 1806.)

Sec. 29A-19. Permit revocation; false or misleading statements in tree removal application.

- (a) *Revocation of tree removal permit.* The code enforcement officer may revoke a tree removal permit where the tree removal application contains a false or misleading statement as to a material fact of where there is noncompliance with the terms and conditions of the tree removal permit.
- (b) *Submission of new application.* Where it is found that an applicant submitted an application containing a false or misleading statement as to a material fact, said applicant shall not be permitted to submit a new application for one year from the time of filing the application containing false or misleading statements. (G.O. No. 1697, § I; G.O. No. 1806.)

Article III. Miscellaneous

Sec. 29A-20. Disclaimer of liability.

Nothing contained in this chapter shall be deemed to impose any liability for damages or a duty of care and maintenance upon the town or upon any of its officers, employees or agents, including any members, employees or agents of the tree preservation commission. The person in possession of public property or the owner of any private property shall have a duty to keep trees upon the property and under its control in a safe, healthy condition. Nothing in this chapter shall be deemed to relieve an owner from the duty to keep any town trees from constituting a hazard or an impediment to travel or vision. (G.O. No. 1697, § I; G.O. No. 1806.)