

Why is Weston Talking About a New Tree By-law?

Weston residents love their trees. We value them as an ecological resource and for the semi-rural feeling that drew many residents to the Town. A frequent complaint heard by the Planning Board comes from residents concerned about trees being cut down during the construction process. Although Weston has several By-laws and polices that address tree removal in specific circumstances, we lack a comprehensive set of regulations that considers tree removal during construction town-wide, leaving approximately 66% of Weston's trees unprotected. A Working Group was established in 2019 to develop a town-wide approach to tree protection. This group has drafted a [Tree Protection By-law](#), which they plan to present for a vote at the May Annual Town Meeting, that encourages the preservation, protection, and restoration of trees on properties where major construction projects are being proposed

Current Regulations

Weston currently has three sets of by-laws or regulations that protect trees on private property. Each is limited in scope to specific site conditions or circumstances, and none contains replacement criteria for mitigation relative to the scope of tree loss. Each policy is described briefly below. Links are provided to the appropriate pages on the Town website for further information.

The Conservation Commission's [Tree Removal Policy for Landowners](#) generally prohibits tree removal in wetland resource areas, riverfront areas and wetland buffer zones, except for trees which pose a safety threat or interfere substantially with the property owner's use of the property. It applies to trees at least 4 inches in diameter when measured 4 feet above grade (DBA). Property owners must apply to the Conservation Commission for permission to remove any trees under the Commission's jurisdiction. In the event approval is granted, the policy requires tree replacement as mitigation for the lost tree(s). However, there is no formula which determines the size of the replacement tree relative to the removed tree.

The [Scenic Roads By-law](#) requires that any work done within the Right of Way on designated Scenic Roads that involve or include cutting down or removing trees with a diameter of 9" or more at 4' above ground shall require prior written approval of the Planning Board after a Public Hearing. It contains no mitigation provisions, although the Planning Board may require mitigation as part of the permit.

[Site Plan Review](#) is required for new construction along Scenic Roads, which affects about 40% of the town's current residential lots as well as for new construction over a certain size. The process is described in section XI of the [Zoning By-laws](#). Although the criteria used by the Planning Board to review and evaluate Site Plan Review Applications state, in part, that building sites shall, to the extent feasible, preserve scenic views, minimize tree removal, and screen objectionable features from neighboring properties, there are no specific mechanisms that require property owners to mitigate tree loss through removal with planting of an equivalent scale and type. Although the Planning Board currently considers proposed landscaping plans as

part of its review process, the By-law lacks objective replacement formulas or specific criteria. There are also no consistent, codified standards which can be applied uniformly across plans under review.

In addition to the above policies, although it does not directly protect trees, Weston's [Stormwater By-law](#) is triggered if a property owner cuts trees in an area that is more than 5,000 square feet or 20% of the lot. While this by-law recognizes the important role that trees play in managing stormwater runoff, it neither prevents the removal of trees and nor requires specific mitigation measures that address tree loss.

What is Being Proposed

A new tree by-law is currently under development by the Sustainable Tree Initiative working group, with representatives from the Select Board, the Planning Board, and other constituent groups. Their work is informed by responses to a town [survey](#) that revealed strong town wide support for new tree protections in the case of new construction or significant renovation. The proposed By-law provides a set of uniform, specific conditions that determine when tree removal must be mitigated and formulas that determine the appropriate mitigation. It will apply only to new construction or total demolition or cases where a property owner is increasing an existing building footprint by 100% when a building permit is required and only to trees located within the zoning setbacks.

A draft of the proposed By-law can be seen [here](#). On Wednesday, March 23, 2022, at 7:00 The Planning Board held the first of 3 Public Hearings on the proposed Tree Preservation and Mitigation By-law and has revised it in response to resident feedback. The Planning Board will hold additional Public Hearings on April 6th and April 20th and encourages Weston residents to attend the hearings to learn more about the proposed By-law.