

## INCENTIVE FOR REPLANTING LARGE CANOPY SPECIES

### 120-8.C.1 Protected Trees

#### **Current**

Replanting of trees: such replanting shall be on the basis of one inch of caliper of new tree(s) for each inch of DBH of tree(s) removed, and each replanted tree must have a minimum caliper of three inches. . .

#### **New**

Replanting of trees: such replanting shall be on the basis of one inch of caliper of new tree(s) for each inch of DBH of tree(s) removed **except, to encourage the replanting of canopy species, for each replanted tree listed in Table (TBD) of the Lexington Tree Manual, replanting shall be on the basis of 1/2 inch of caliper of new tree(s) for each inch of DBH of tree(s) removed.** Each replanted tree must have a minimum caliper of three inches. . .

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## SIGNIFICANT TREES

### Proposed New Section of Lexington Tree Bylaw

#### A.

Except as provided by Chapter 87 of the General Laws, it is unlawful for any person other than the **Tree Warden**, or his designees, to cut, trim or remove, in whole or in part, any significant tree, even if such person is the owner of the fee in the land on which such tree is situated, except upon a permit in writing from the **Tree Warden, and only to the extent of the terms and conditions of such permit.**

#### B.

**The Tree Warden shall grant a permit for tree removal upon receiving a determination from a Commonwealth-certified arborist that the tree is a hazard.**

#### C.

For purposes of this section, a "significant tree" is any **protected** tree which is **30 inches in DBH or greater.**

#### D.

Each person is held responsible for ascertaining the diameter of any tree prior to such person cutting, trimming or removing same, in whole or in part.

E.

A person who is aggrieved by the provisions of this section and for cause shown may apply directly to the Board of **Selectmen** for a permit to cut, trim or remove, in whole or in part, any significant tree which is otherwise protected under this section so long as such **Board**, in the exercise of its discretion, is satisfied that such applicant would sustain a hardship, financial or otherwise, which outweighs any detriment to the public interest that would result in the application of this section. For the purpose of this section, "hardship" is the loss of an advantage. It may include, but not be limited to, a monetary advantage or the advantage to put property to a particular use.

F.

**A payment to the Lexington Tree Fund in the amount of the replacement value of the tree(s) will be required for any significant tree(s) removed without permission.**