

## **Weston MA tree bylaw**

**Passed with 2/3 vote at May, 2015 Town Meeting**

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### **ZONING BY-LAW ARTICLES**

#### **ARTICLE 22: AMEND ZONING BY-LAW – SECTION VI.A. – CLARIFY/LIMIT LOT CLEARING**

To amend Section VI. DIMENSIONAL AND OTHER REQUIREMENTS, A. GENERAL, of the Zoning By-law of the Town of Weston by adding the following proposed subsection:

"5. No site alteration work which requires or will require a storm water permit or any zoning or other land development permit or approval shall be performed on any property until such permit or approval is obtained, including any one of the following:

- a. Approval by the Planning Board of a site plan where such approval is or will be required under the provisions of this Zoning By-law
- b. Issuance of a permit by the Storm Water Permitting Authority where such permit is required by the Storm Water By-law, Article XXVII of the By-laws of the Town of Weston.
- c. Issuance of a permit for building, demolition, or any other permit required by the Massachusetts Building Code or this Zoning By-law.

Site alteration work can be performed and is permitted once any of the above permits or approvals has been obtained by the property owner or if any of the following exceptions apply:

Exceptions:

- 1. Site alteration work or clearing which does not require a storm water permit, or site plan approval by the Planning Board, or any building permits.
- 2. Soil testing.
- 3. Routine landscape maintenance including thinning of forest, trees and vegetation.
- 4. Removal of nuisance or invasive species vegetation such as bittersweet, poison ivy, etc.
- 5. Removal of any 'prohibited plantings' as identified by the Commonwealth of Massachusetts Executive Office of Energy and Environmental Affairs, Department of Agricultural Resources.
- 6. Removal of trees or limbs which pose a threat of property damage or threat to public safety.
- 7. Removal of any dead or dying trees or vegetation.

8. Any utility work both underground and overhead, including work done in maintaining, testing, inspecting or repairing existing underground services, utilities, septic systems and other structures.

9. Any work to provide access onto a property for any existing by-right use of the property.

10. Any work done on recorded easements, the purpose of which is limited to vehicular access, pedestrian access, utility service, or viewscape maintenance, provided that previous vegetation clearing in such easements has occurred within the preceding five years, and that the proposed work shall be limited to that essential for the purpose intended.

11. Properties in Chapter 61 status such as agricultural or forestry.

12. Work done in conjunction with construction, alteration or repair of a septic system pursuant to a septic permit from the Board of Health.

13. Removal of or planting of trees or vegetation which dangerously obstructs the view of traffic by operators of vehicles at street or driveway curves or intersections or otherwise constitutes a hazard to public safety.

If any provision of this section is violated by a property owner, then no building permit may be issued for any new or replacement dwelling for up to 9 months following the violation. All other fines or remedies to which the Town is entitled may also be imposed at the Town's discretion."

Or take any other action relative thereto.

*Article 22 Explanation: The purpose of this article is to advise permit applicants of the town's preference for preserving mature trees when possible as a reflection of the town's rural character, and of the potential regulatory consequences of indiscriminate clear cutting. A two-thirds vote of Town Meeting is required for approval of this article.*