



Article 40 Tree Preservation Bylaw General Bylaw Amendment

Ms. Whiting Cash moves:

that the Town take affirmative action on Article 40 as printed in the Warrant, except to strike the phrase in Section 4.1(c) “as defined by the Town of Concord Zoning Bylaw Section 7.1.5” and insert the phrase “excluding basements, open or screened porches and decks.”

Article 40
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ARTICLE 40. To determine whether the Town will vote to amend the Town Bylaws by adding a Tree Preservation Bylaw.

Please refer to the Warrant for the language of the Bylaw.

The proposed language change will clarify the scope and applicability of the Bylaw, and was decided after the Warrant had closed.

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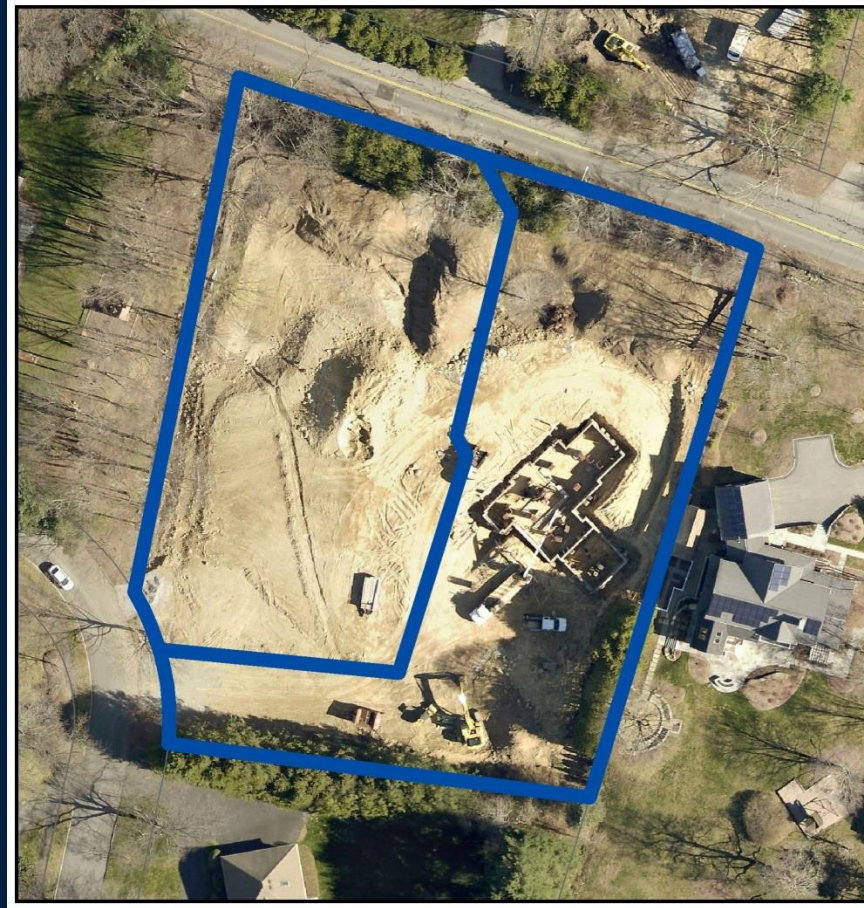
Why is the Planning Board proposing this Bylaw?

In response to citizen concern over the loss of mature trees on redeveloped lots (tear-downs) and properties with significant building expansions.

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When does the Bylaw apply?

1. Demolition of an existing structure of 250 gross square feet or greater;
2. Construction of any building or structure on a vacant lot; or
3. Construction of one or more structures or additions to structures on a lot that increases the Gross Floor Area by 50% or greater

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Unless you must obtain a Demolition or Building
Permit:

this Bylaw would **NOT** impact the trees
on your lot

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The intent of the Tree Preservation Bylaw is to:

- (a) Encourage saving and protecting existing trees on the edges of residential lots during significant construction activities or demolition
- (b) If trees are removed from these areas, require replanting on site or payments to support new tree planting and maintenance by the Town.

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Which trees on a residential lot are protected?

Protected Tree: Any existing tree with a Diameter at Breast Height (DBH) of six (6) inches or greater that has any portion of its trunk within a *Tree Yard** at grade level.

**Tree Yard:* Equivalent to the front, rear and side setbacks in the given Residential Zone District.

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What is NOT a “Protected Tree”?

1. Trees in the interior of a lot, beyond setbacks
2. Invasive Species
3. Trees severely damaged by a natural disaster
4. Hazard trees¹
5. Trees infected by a disease or insect infestation of a permanent nature¹

¹ as determined by a Certified Arborist

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How might this Tree Bylaw affect a developer tearing down an existing house and rebuilding a larger home on the lot?

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Example Mitigation for a new home on a wooded lot:

1 - 22" tree	= 22"	} <i>Protected Trees removed</i>
2 - 12" trees	= 24"	
1 - 10" tree	= 10"	
3 - 8" trees	= 24"	

TOTAL = 80" x \$375/inch = **\$30,000 Tree Fund Contribution**

-OR-

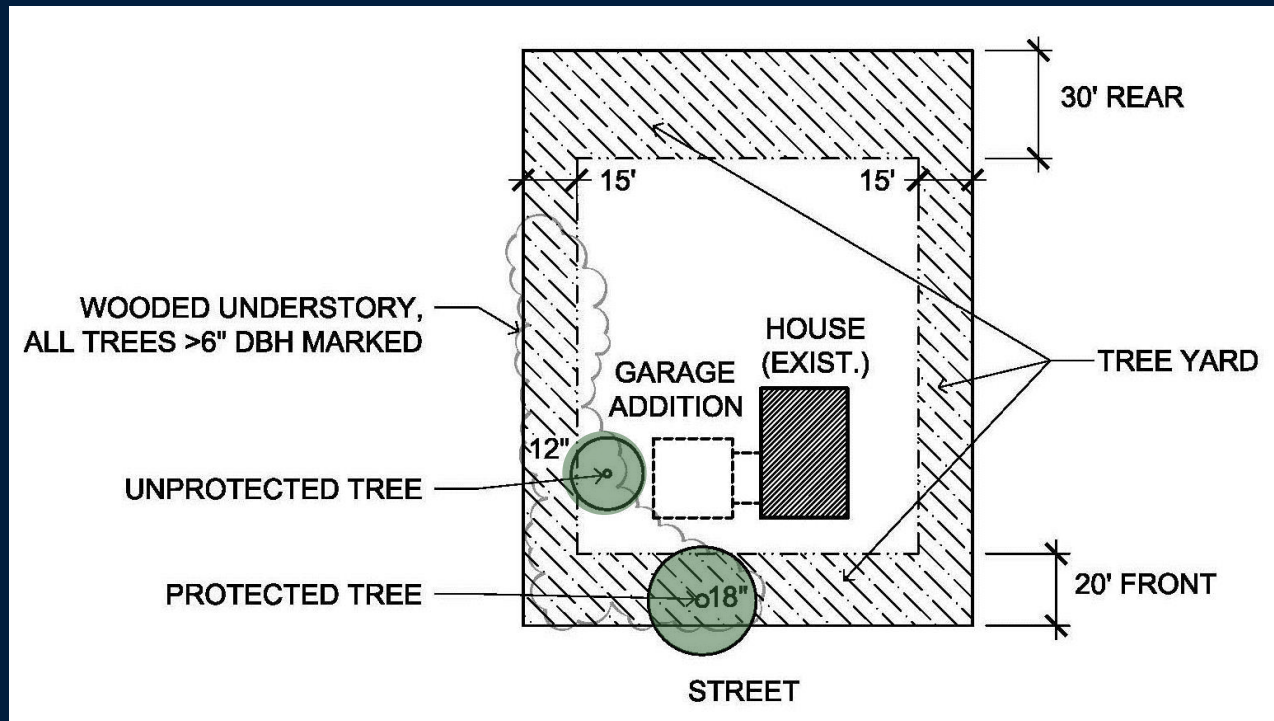
80" x 0.5 = 40" of replacement tree
(10 – 4" caliper new trees)

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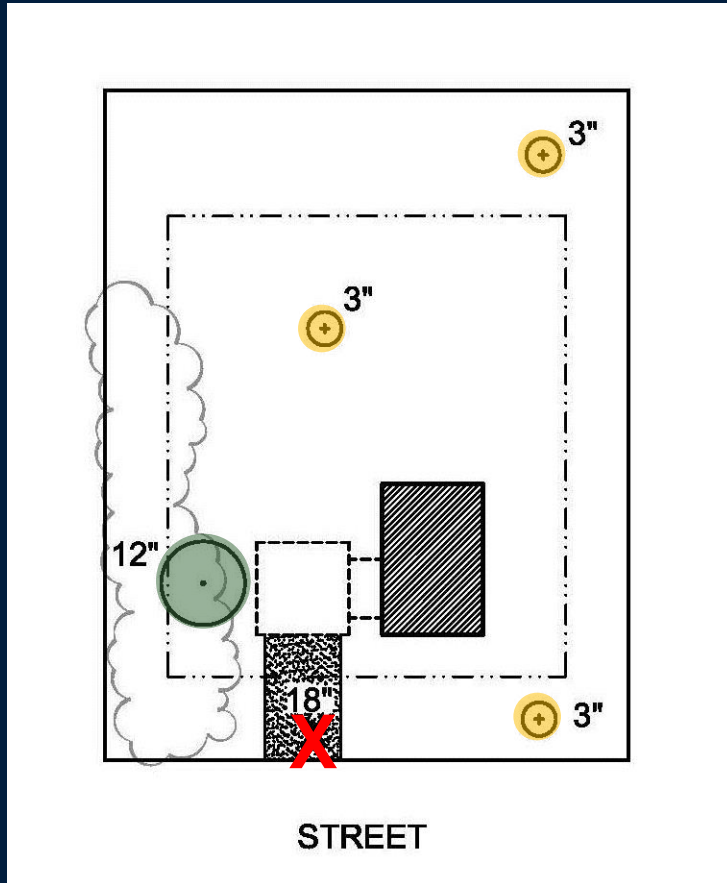
How might this Tree Bylaw affect me if I want to build a large addition on my existing lot?

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The following example shows a conforming Residential Zone B lot of 20,000 SF.



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RE-PLANT

Protected Trees removed = 18"

Re-plant

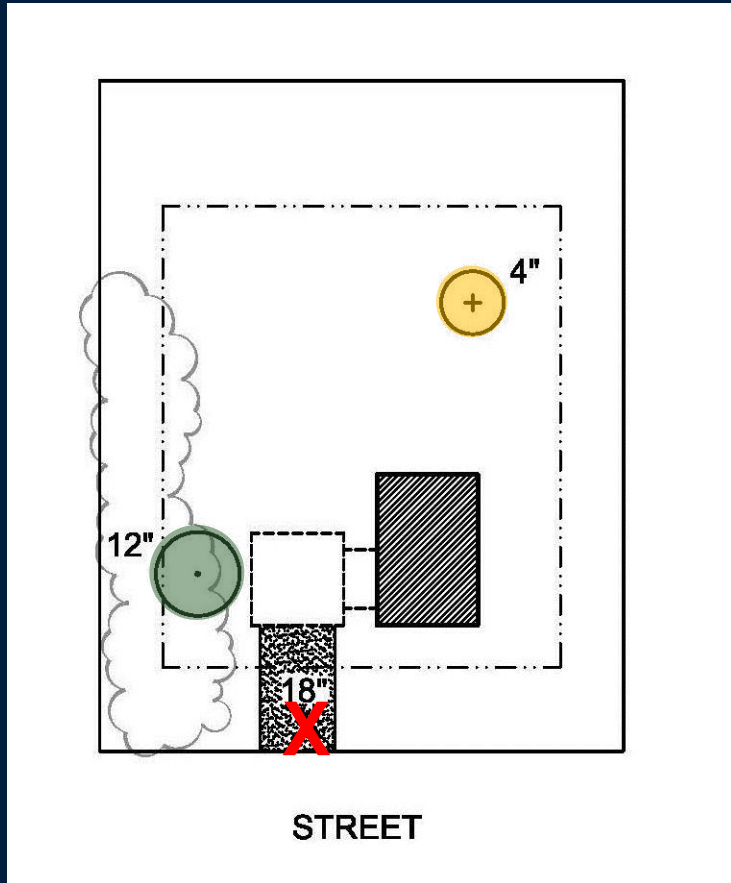
(0.5" replace per 1.0" removed)

3 trees x 3" caliper = 9"

9" x 2 = 18"

NO FURTHER MITIGATION
REQUIRED

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RE-PLANT & PAY

Protected Trees removed = 18"

Re-plant

(0.5" replace per 1.0" removed)

1 tree x 4" caliper = 4"

4" x 2 = 8"

Tree Fund Contribution

18" - 8" = 10"

10 x \$375 = \$3,750



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