

DEFINITIONS TO BE ADDED TO SECTION II OF REGULATIONS.

Clear Cutting means the removal, to the ground, of all woody vegetation, includes mowing of under story brush down to a minimum height of two (2) inches.

Cutting means the removal of vegetation within an Area Subject to Protection under the Bylaw

Invasive Plant means a plant that is not indigenous or native to a particular area, is able to establish on many sites, grow quickly and ~~expand~~ to the point of disrupting plant communities or eco systems.

DBH means diameter at breast height. It is also referred to as the trees caliper size.

Lifting means the lifting of the canopy by removing lower limbs from the main trunk. The process is performed by cutting back either to a central branch or the main trunk. Cuts made back to the main trunk should be made to just outside the branch collar and not flush to the trunk This allows the cut wound to heal faster.

Native plant means ~~[a native plant species is a plant that is considered indigenous and are naturally occurring to the region since pre-Colonial times or arriving more recently without human intervention.]~~ For purposes of this bylaw, a native plant is one that occurs naturally in eastern Massachusetts as identified on the *Massachusetts Coastal Zone Management Coastal Landscaping in Massachusetts Plant List* or as found in the *Flora of Dukes County*.

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Non-native plant means a non-native plant is a plant that is non-indigenous and not naturally occurring to the region as identified on the *Massachusetts Coastal Zone Management Coastal Landscaping in Massachusetts Plant List* or as found in the *Flora of Dukes County*.

Pruning means the act of removal of dead, diseased, obstructing, and weak branches, as well as selective thinning of branches to lessen wind resistance, reduce a hazard or to improve plant structure or health.

Selective Cutting means the removal of smaller, weaker trees and less desirable tree species, leaving the more vigorous trees and the removal of dead trees within an Area Subject to Protection under the Bylaw.

Selective Pruning means limited pruning of tree branches and brush.

Flush Cutting means cutting ~~of~~ a tree or bush to ground level while leaving roots.

Stump Grinding means mechanical grinding to a depth below ~~ground surface~~ grade.

View Channel/Vista Corridor means an area designated on the landscape plan and in the field where vista pruning may occur. Use interchangeably or pick one?

Vista Pruning means the selective thinning of tree b-branches or understory shrubs to establish a specific “window” to improve v visibility. Vista Pruning does not including the cutting of trees which would reduce the leaf canopy to less than 90% of the existing crown cover and does include the mowing or removal of understory brush.

SECTION ZZZ PRUNING, CUTTING, AND CLEARING OF TREES AND VEGETATION MANAGEMENT

A. A-Filing Requirements

NOTE: John rewrote this section. I have used all the comments to come with this:

No cutting, pruning, lifting, clear-cutting of any trees and/or other vegetation shall occur within a Resource Area or the Buffer Zone unless an application has been filed with, and approved by, the Commission.. In making its determination, the Commission will take into consideration the size and characteristics of the property the type, and health of the trees and related circumstances.

Applicants are encouraged to consult with the Commission before filing a Request for Determination or a Notice of Intent for projects that involve the removal and/or replacement of any vegetation in the resource area or Buffer Zone.

The permit application shall include a written narrative of the proposed cutting or pruning, along with a landscape plan and photographs of the site. The view channel must be defined, shown on the project or landscape plan, and flagged in the field. The dimensions of the top, bottom and sides perimeter of the view channel must be included.

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On site, the trees must be marked with landscape tape to delineate the proposed work. Trees proposed for removal (red tape). Trees propose to be saved and/or pruned (green tape.) The specific requirements will be based on the complexity of the project.

Trees that present a hazard to structures will be reviewed by the Administrator.

When removal of fallen or damaged trees is desirable after a storm, the Commission may allow this removal through either acceptance of DEP issue Emergency Regulations, or through the normal Administrative Review filing procedure. If storm damaged trees provide an immediate risk to the health or safety of residents, emergency removals can be authorized by the Commission or its Administrator.

~~Persons are encouraged to c~~onsult with the Commission before filing a Notice of Intent when planning for projects that involve the removal and/or replacement of trees or other any vegetation in the resource area or Bbuffer zZone.

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~~Vista pruning applies to work within the Buffer Zzone to a resource area. The permit application shall include a written narrative of the proposed vista pruning, in addition to a landscape plan and photographs delineating the site. On site, the trees must be marked with landscape tape to delineate the proposed work. Trees proposed for removal (red tape). Trees propose to be saved and/or pruned (green tape.) The specific requirements will be based on the complexity of the project. Vista pruning requires an Order of Conditions issued by which conveys approval by the Conservation Commission. The Commission's reserves the right of flexibility in vista pruning decisions will depending on the size of the property, the type, and health of the trees and related circumstances.~~

~~The view corridor channel must or shall? be defined, shown on the project or landscape plan, and flagged in the field. This includes The dimensions of the top, bottom and side sr perimeter of the corridor/ view channel must be included.~~

~~No cutting, pruning, lifting, clear cutting of any trees and/or other vegetation shall be undertaken anywhere in the resource area or buffer zone unless an application has been filed with, and approved by, the Commission. The only cutting of trees and other vegetation permitted in the buffer zone is vista pruning unless trees present a hazard to any structures on the property. Trees that present a hazard to structures will be reviewed by the Administrator.~~

~~When After a storm, the Commission may allow~~ removal of fallen or damaged trees is desirable after a storm, ~~the Commission may allow this through~~ either ~~through~~ acceptance of DEP issue Emergency Regulations, or ~~through~~ the normal Administrative Review filing procedure. If storm-damaged trees provide an immediate risk to the health or safety of residents, emergency removals can be authorized ~~ty~~ by the Commission or its Administrator.

Prior to the required site visit by Conservation Commission members or staff, live trees and dead trees for which removal is requested shall be flagged

B. Characteristics

Trees Trees provide shade, absorb carbon dioxide, filter pollutants, provide wind breaks, stabilize soils, provide wildlife habitat and provide privacy. A buffer of mature trees can absorb up to 14 times more water than the equivalent area of grass. Organic litter within naturally vegetated buffers can remove 50% to 100% of sediments carried in run-off. The roots of trees (and shrubs) hold the banks of ponds and streams in place and protect against erosion from heavy rains, wave action, and flooding. Trees with treatable diseases or pests can often be saved with the help of professional arborists.

Trees provide important functions not provided by any other type plant. Trees provide shade to moderate water temperatures, levels of dissolved oxygen and water flow. They serve as windbreaks to moderate wind stress and shear during storms, and provide nesting, roosting, and perching areas for birds and other wildlife.

An estimated 80% of the island tree canopy are oaks. Six local oak species and their associated hybrids create rich, biodiverse habitats. Native oaks are a major food source for a host of animal species, including rare moths and butterflies and numerous songbirds.

Shrubs Appropriate vegetation in coastal locations (including the flood zone) provides many valuable services. Appropriate vegetation is ~~that which is~~ native or naturalized (~~no invasive species~~) with strong root systems and, the ability to tolerate wind, salt spray, and storm and flood water.

Strong root systems hold ~~the~~ sand and soil in place and protect against erosion and storm damage. ~~The r~~Roots filter pollutants that would otherwise end up in the nearby water body. Appropriate vegetation helps preserve the character of the

coastal environment and provides habitat for wildlife. It also has lower maintenance needs than other shrubs —~~it needs they require~~ less water and little to no use of fertilizer to keep it healthy. ~~The right~~Appropriate vegetation on the beach, bank, dune, and in the flood zone and buffer zone helps stabilize the site and protects ~~your home structures~~ from loss or damage due to flooding, coastal erosion and storm damage.

Naturally vegetated buffer zones reduce adverse impacts to the wetlands by adjacent/upland land uses. A buffer of land in a naturally vegetated condition protects the adjacent wetland, in part, by reducing run-off, absorbing nitrate, phosphorous and other chemical pollutants, by filtering suspended sediments, and by stabilizing banks and channels. Buffer zones are critical to maintaining the health and productivity of the wetlands. Buffer zones act as habitat corridors that help protect rare plants and animals and supports their continued reproduction; preserving and enhancing biodiversity.

Lawns ~~Many L~~awn consisting -of shallow-rooted turf grasses ~~that~~ do not help control erosion and storm damage or filter pollutants. ~~In addition, L~~awn irrigation wastes large amounts of ~~the Island's invaluable~~ water ~~supply.~~ ~~{There is evidence that more than half the water used for irrigation is wasted due to evaporation, run-off and over watering.~~ Lawns are also devoid of biodiversity and wildlife habitat. Maintenance of lawns with chemical treatment pollutes ground and surface water. Fertilizer use must comply with the West Tisbury Board of Health fertilizer regulations.~~There are Island wide regulations for fertilizer use.~~

~~{~~ Predominantly fescue lawns, including but not limited to rye and clover, are drought tolerant and insect-resistant, and will survive in sunny or shady areas. They are easier to maintain than other grass types because they require less water and fertilizer. (Bluegrass needs twice as much nitrogen and watering).~~}~~ Delete?

Reducing lawn size benefits the environment. Low maintenance, non-invasive shrubs, trees, and perennials add variety, wildlife habitat, and filtration, and require less maintenance and fossil fuel use. -

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C. Presumption of Significance

When a proposed activity involves the removing, filling, dredging, degrading, discharging into, building upon, or altering of a Buffer Zone, the Commission shall presume the Buffer zone is significant to the protection of all the resource values

protected by the Bylaw. These presumptions may be overcome only upon a clear showing that the Buffer Zone does not play a role in the protection of those interests. No work will be permitted in the Buffer Zone that has a significant adverse impact upon the interests given above and only upon a specific written determination to that effect by the Commission.

D. Performance Standards

Where the presumption set forth above is not overcome, any proposed work in the Buffer Zone to establish a view channel or otherwise prune, cut and/or clear trees and other vegetation shall not destroy or otherwise impair any portion of said area.

General

- No vista pruning will be allowed in a wetland ~~under any circumstances or~~ in the No-Disturbance Zone, except by waiver from the provision of Section IV.

- ~~Property line to property line vista pruning and~~ Clear cutting is prohibited, as is the topping of trees. The opening of specific window of view is the preferred approach. The ~~What is the width and height and width of the view channel will dependent on site conditions.~~ going to be? Is it going to be dependent on the site or set dimensions??

From Whit:

The width of a view channel (of two or more view channels combined) may not exceed one third 1/3 of the distance between the points where the property lines intersect with the edge of the wetland. Placement of the view channel(s) will be decided on a case-by-case basis.

- If a view channel ~~or vista corridor~~ already exists ~~(e.g. an opening 15 feet from top to bottom by 25 feet wide)~~ it may not be enlarged without the written permission of the Commission. ~~additional view channel (s) may not permitted.~~
- One vista channel may be cut that is no more than 15 feet from top to bottom by 25 feet wide depending on the existing view. This is from Oak Bluffs. What are the dimensions for WT? Tim Boland said this seemed good?

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- ~~Identification of a specific view:~~ Vista pruning, if being done in connection with the construction of a new single family dwelling or guest house, will not be permitted until construction is sufficiently complete (windows and doors are in their final location) and a specific desired view can be determined.
- Pruning shall be done by a professional landscaper and/or certified (ISA) arborist unless the Commission determines that the work is minimal and uncomplicated ~~enough that the property owner or a representative may properly undertake it.~~ Proof of contractor certification shall be supplied to the ~~Conservation~~ Commission upon request.
- ~~All p~~Pruning ~~shall be carried out in such a way as to~~ must preserve vegetative layers, habitat, and bio-diversity to the greatest extent possible.
- If adverse impacts occur to the adjacent Resource Areas (s) as a direct result of the vista pruning, the Commission will require immediate mitigation. ~~in order to correct such impact.~~ The activity may be subject to enforcement actions and fines.
- The Commission may require the replacement planting of native shrubs and trees in an area proposed for tree removal. When mitigation for any proposed alteration within the buffer zone is allowed or required, replacement trees must be at least 36 inches tall, unless otherwise approved by the Commission, and be a native species as identified on the *Coastal Zone Management coastal landscaping in Massachusetts Plant List*.

Trees

- The tree canopy will not be reduced to less than 90% of the existing crown cover.
- No tree with a diameter greater than 3 inches DBH ~~or otherwise stated~~ shall be cut down. Exceptions to tree or limb removal ~~would be~~ must be with the approval of by the Commission or Administrator.
- When the cutting of live trees for the purpose of a view is proposed, the Commission shall require that pruning and thinning of the canopy shall be accomplished before considering any removal. When the removal of

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specific trees on a heavily-vegetated lot is the only viable option to obtain a view, the Commission may at its own discretion allow the removal of up to 5% of existing trees on the lot greater than or equal to (>) 4" Diameter at Breast Height (DBH), or 10% of existing trees less than or equal to (<) 4" DBH within a 3-year period. ~~Any Proposed trees to be removed must be clearly flagged on site.~~ TB liked this so I left it in.

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- When ~~the~~ pruning ~~of trees~~ is permitted, the removal of branches may include those on the main trunk as well as those inside the leaf area. However, all major branches to be removed that are four (4) inches or larger must be identified for review. (Class 4 pruning) Allowable canopy reductions will be assessed on a case-by-case basis. Too much canopy removal may increase the amount of invasive plant establishment, depending on existing ground cover and ultimately lead to tree death if not performed in a professional manner. TB.

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- ~~Removal of trees, if permitted, trees shall be removed-is~~ by flush cutting not digging. If ~~at all~~ possible, cut trees or limbs should ~~be left remain~~ in the Buffer ~~Zone~~ to provide habitat. ~~value~~. Transport of cut wood or branches ~~to the~~ outside of the buffer zone shall be by hand ~~only, not with the use of heavy equipment~~. Stump grinding is not permitted.

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- Deadwood should be preserved whenever possible, especially trees four inches ~~or greater in diameter at breast height~~ DBH, to retain potential feed areas and nesting cavities for bird. Deadwood located in a wetland shall not be removed.
- The removal of dead or diseased trees may be allowed at the discretion of the Commission if those trees are deemed to endanger life or property.

- ~~Within the view channel some sapling trees but not all, may be removed that are three inches DBH or less.~~ If saplings of three inches DBH or less comprise the majority of the proposed view channel, selective removal shall be specified by the Commission.

- Limiting of lower branches is limited to no more than 15%———— on an individual tree.
- Green briar and other climbing vines may be removed by hand-pulling or clipping around the base of ~~at the tree, is permitted.~~

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Shrubs

- In view channels on slopes, shrubs often do not need to be pruned at all.

Which of the following do you prefer?

- ~~Where pruning of shrubs or other such plants is permitted by the Commission, height may be maintained at staggered levels no less than 4 feet in height.~~
- Some pruning of shrubs may be allowed within the view channel in order to achieve a view but never below 5 feet in height above the bush at ground level. JB choice
- Shrubs~~Vegetation~~ may be trimmed by varying heights to mimic natural growth.
- Shrubs must retain their natural shape and features such as fruits and flowers by selecting the optimum height and pruning different branches in alternate years. TB and WG choice
- Green briar and other climbing vines may be removed by hand-pulling or clipping around the base of the tree is permitted.

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Herbaceous Layer/ Ground cover

Within a view channel no disturbance of ground cover is permitted. One unpaved pedestrian walkway less than 30 inches wide for private use and less than 3 feet wide for public use on conservation lands shall be permitted. The walkway should meander so as not to increase runoff or erosion.

Time of Year ~~(Pick one)~~ Tim, can you help with this?

- Limbing of trees is not permitted between January 15 and September 30 to protect tree visibility and nesting habitat.
- Pruning shall be done between December 1 and April 15 in order to see the full structure of the tree.~~October 15 and April 15.~~

- ~~All~~H-herbaceous, shrub and hardwood pruning shall be done outside the typical nesting times, (April first to August first).
- ~~All~~vVista pruning shall be limited to a time of year restriction from November 1st to March 1st of each calendar year so as not to interfere with nesting birds ~~nesting season~~. The Commission may extend the vista pruning ~~window in any given year in the event of~~ if adverse weather conditions ~~make that prohibits~~ pruning ~~impossible work to take place~~ during the allowable time period.

Invasive Species

- In some instances removal of invasive plants root structure may cause more harm to the buffer zone/ resource area than leaving the root structure in place and will not be permitted.
- Some invasive species may have values that benefit the interests protected in the Bylaw (Phragmites for nitrogen removal and seas level rise adaptation, for example.) The Commission ~~reserves the right to may~~ consider ~~for approval those~~ projects ~~including pilot projects~~ that propose management of invasive species for resource area protection and to advance the interests under the Byelaw . (Interests are those protected under the Bylaw such as wildlife habitat) Only stated interests can be protected)
- Invasive vines growing up trees or over shrubs may be cut using hand tools and properly disposed of off-site.

Maintenance:

- Drip irrigation with rain sensors is allowed for newly planted vegetation. Once the vegetation is stabilized (one or two years) the system shall be removed. Plants that do not survive through the end of the second growing season shall be replaced before a Certificate of Compliance will be issued.
- Fertilizer use shall conform to the West Tisbury Board of Health Fertilizer Regulations.
- Vegetation ~~R~~removal and ~~V~~vista pruning once completed may be maintained in a consistent manner over time. Ongoing maintenance

provisions will be determined on a case-by-case basis. The Commission must be notified before work is started. ~~prior to the commencement of work.~~