

WARNING

PUBLIC HEARING

October 28, 2024 at 7PM

Brandon Town Hall (lower level), 1 Conant Square, Brandon, Vermont

OBJECTION TO NOTICED REMOVAL OF SHADE TREE BETWEEN 42 and 44 PARK STREET

The Brandon selectboard has received an appeal of the Tree Warden's notice that the Town intends to remove a public shade tree between 42 and 44 Park Street.

Pursuant to 24 VSA § 2509, the Brandon selectboard will conduct a public hearing regarding this tree within its regular meeting on Monday, October 28, 2024.

The selectboard will receive and consider testimony from interested parties regarding this tree during the hearing.

Complete text of 24 VSA § 2509 follows:

§ 2509. Cutting shade trees; notice and hearing

(a) The tree warden shall post public notice of the intent to cut or remove a shade tree. The notice shall be posted a minimum of 15 days prior to cutting or removing the tree. If the cutting or removal is appealed pursuant to subsection (c) of this section, the legislative body of the municipality shall hold a public hearing. This subsection shall not apply to the cutting or removal of a shade tree or trees that:

(1) are infested with or infected by, or at risk to become infested with or infected by, a tree pest and are located in an infestation area designated by the Agency of Agriculture, Food and Markets and Department of Forests, Parks and Recreation;

(2) are a hazard to public safety; or

(3) must be removed for the municipality to comply with State or federal law or permitting requirements.

(b)(1) The tree warden shall post public notice of the intent to cut or remove a shade tree or group of shade trees pursuant to subsection (a) of this section in at least two conspicuous locations within the municipality. The tree warden shall post the public notice in or near the office of the clerk of the municipality.

(2) When the shade tree or group of shade trees are located on property held in fee by another, the municipality shall notify each abutting landowner at the landowner's address of record.

(c)(1) Within 15 days after the posting of public notice, a resident or landowner may appeal in writing to the legislative body of the municipality to object to the cutting or removal of a shade tree. The legislative body of the municipality shall give notice of the appeal to the tree warden.

(2) Within 10 business days after receipt of an appeal, the legislative body of the municipality shall hold a public hearing with the tree warden to receive public comment on the proposed cutting or removal of the shade tree. The tree warden shall stay action on the proposed removal until the legislative body of the municipality renders a final decision on the appeal.

(d) In all cases, the decision of the legislative body of the municipality shall be final.