

OFFICE OF THE  
**TREE WARDEN**

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**SUBJECT:**

Meeting Minutes from November 30, 2022 9:00 hearing on two Oak Trees in the public way to be removed as per MGL 87, described as follows:

ID #	Species	Diameter 3' from Ground	Location
1	Oak	40"	At end of Murray Ln, on the right side, at the entrance to the Bilodeau nursery
2	Oak	42"	At the end of Murray Ln, on the right side, approximately 150' to the right of tree ID 1 (above)

The meeting was held on site at the end of Murray Ln.

**MEETING NOTES:**

The meeting was called to order by JC Ferguson, appointed Tree Warden of Harvard, MA, at 9:00 on Wednesday November 30, 2022. The order of the meeting was outlined (speaker and presenter order) being first The Petitioner; second Public Officials; third Written Responses read aloud by the Tree Warden, and 4<sup>th</sup> the public in attendance.

We took each tree, in order, starting with #1 in the table above.

**Tree #1**

Sean Bilodeau (requester / petitioner) presented his rationale for removing tree #1:

- The tree is located at the entrance and exit of his company's (Acorn) nursery, where smaller trees are planted and nurtured until they mature and ready for harvest.
- The tree poses a sight line problem when exiting the driveway with on coming traffic. With the added conservation trust land at the end of the road, there's more traffic than there has been in the past (walkers, cyclists, and vehicles).

- The road is narrow, the tree poses a problem making the turn from the driveway to the road. Mr Bilodeau noted a leader removed previously from the tree often was hit by vehicles entering/exiting the property.
- Because there is a slope leading to the road, vehicles have to get speed in order to be able to make the hill and enter Murray Ln. The tree poses safety issue due to the speed needed to exit the driveway.
- Due to the lean of the tree over the property, Acorn is not able to utilize the space for tree plantings, because if/when the Oak falls, it may destroy expensive specimen trees. It also poses a safety issue for Acorn employees and others walking on the land.
- Mr. Bilodeau (certified Arborist) also noted the asphalt so near the tree roots poses a health issue to the tree longer term. He also noted presence of white mushrooms (fungal conks) near the bottom of the tree as an indicator of terminal deterioration of the root system.

Next, the Tree Warden read a letter from James O'Shea, submitted prior to the written submission deadline in the legal notice. Points made:

- Mr O'Shea indicated is against removal of both trees.
- In summary, he stated in his written submission the trees are important for the quality of Harvard's forests, providing support for various species we find around town (squirrels, bobcats, insects, birds) and also stated these older trees help maintain Harvard's historic character.
- Mr Bilodeau agreed with the many excellent points made in Mr O'Shea's letter, but not pertaining to trees creating safety and property damage issues.

Next, Bill Calderwood (Elm Commission) spoke and noted:

- Mr Calderwood recommended the removal for the reasons Mr Bilodeau noted
- Mr Calderwood wants to ensure we preserve the oak tree between #1 and #2, which is not under consideration for removal at this time.
- Mr Calderwood asked if town funds would be used to pay for this tree. This has not been determined or agreed to at this time; the Tree Warden indicated, if town funds were to be used, this tree would be placed at/near the bottom of the long list of tree work as they are far less dangerous than other road side trees. Mr. Bilodeau indicated he would be willing to participate in the cost of removal.

Next, Wendy Sisson (chair of Land Stewardship)

- Ms Sisson indicated she is against removal of tree
- Ms Sisson seconded many of Mr. O'Shea's comments
- Ms Sisson said the tree is a key part of the scenic value at the end of Murray Ln and can serve to calm traffic due to the tree's proximity to the road.
- Ms Sisson noted birds in the tree when visiting the site.
- Ms Sisson asked if there was a way to re-route the driveway (requiring removal of a large aborvitae) to mitigate the removal of the tree.

Next, Peter Basile spoke (resident of Murray Ln):

- Mr Basile indicated he is against removal of the tree
- Mr Basile agreed with Ms Sisson's comments and Mr O'Shea's letter
- Mr Basile also suggested exploring moving the entrance

The Tree Warden asked if there were any further questions, of which there were none; the group moved to the second tree.

## Tree #2

Sean Bilodeau (the petitioner) spoke first:

- Mr Bilodeau, a certified Arborist, noted the considerable rot in the tree, with two of the three leaders already removed.
- Mr Bilodeau cited presence of the white mushrooms (fungal conks) as an indicator of terminal rot occurring in the root system of the tree, which will lead to eventual failure and falling of the tree.
- Similar to Tree #1, Mr Bilodeau cannot use the space under the tree, due to the heavy lean over his company's nursery property. Placing trees/specimens under Tree #2 could result in property damage/loss of trees/plantings in the nursery as well as a safety issue for his employees as well as others walking on the land.

The Tree Warden did not re-read O'Shea's letter as it was previously shared and applied to both trees.

Next, Bill Calderwood (Elm Commission) spoke:

- Mr Calderwood is in favor of removal due to the condition of the base of the tree, showing considerable rot and posing a safety problem for Acorn's operation.
- Mr Calderwood expressed a desire to preserve the stump, as a way to protect the middle tree, and Mr Bilodeau agreed.

Next, Wendy Sisson (chair of Land Stewardship):

- Ms Sisson is not in favor of removal.
- Unsure of the rate of rot – when will the tree fall? When will it truly become a safety hazard? The Tree Warden cited the large, 125-year-old Oak that fell before Halloween in 2021 – the canopy of the tree was in perfect shape showing no signs of duress, yet the root system completely failed, causing the tree to fall – as an example of the difficulty in predicting when a tree will eventually fall due to decline.
- Ms Sisson asked who would pay for removal, the Tree Warden indicated this is to be determined, however, the Tree Warden explained if the trees were to be removed using town monies, the tree would receive a low priority versus many other trees along town roads in significantly worse shape (completely dead), which may prolong removal for a long time (potentially years). The Tree Warden offered in cases like this, he has authorized property owners to remove trees at their expense if there was a desire to speed removal.

Next Peter Basile spoke (Murray Ln resident):

- Mr Basile is in favor of removal and supports using town funds to remove the tree.
- Mr Basile cited the amount of rot, visible at the base, as his reason for removing the tree.

Next Anne Bamford spoke (Murray Ln resident):

- Ms Bamford supported removal of the tree.
- Note: she did not wish to speak during the discussion of Tree #1.

The Tree Warden asked if there were any further comments, which there were none.

## **Closing Comments**

The Tree Warden indicated section 4 in MGL 87: *“Tree wardens shall not cut down or remove or grant a permit for the cutting down or removal of a public shade tree if, at or before a public hearing as provided in the preceding section, objection in writing is made by one or more persons, unless such cutting or removal or permit to cut or remove is approved by the selectmen or by the mayor.”*

Because of MGL 87 section 4 and the written objection received by Mr O’Shea, the Tree Warden hereby denies the request to remove the trees, deferring the decision to the Selectboard as per the law.

The Tree Warden indicated notes would be produced and shared within 5 days of the hearing.

The meeting was adjourned at 9:45 AM on November 30, 2022.