

# Waterville Estates Association Tree Cutting Policy

## Statement of Purpose:

The Purpose of the Waterville Estates Tree Cutting Policy is to establish tree cutting guidelines that balance individual owner's tree cutting preferences with the rights of others to maintain privacy and to benefit from the preservation of the rural, wooded character of the community at large. It is the intent of the policy to maximize and protect property values for all parties.

When reading this document, be mindful of the intent of the policy, which should carry more weight in decision making than the specific wording of the regulations.

## Regulations:

- (1) A properly completed permit application and approval by the Building Committee are required for removal of trees on any Homesite, Cluster Homesite, or Condominium site, unless it is a listed exception. The permit application shall include detail of lot lines and number, location and approximate size of trees to be cut, and any additional relevant information. The permit application for development of a new Homesite, Cluster Homesite, or Condominium site shall include a comprehensive tree cutting and removal plan in conjunction with the site plan of the development.
- (2) No clear cutting, defined as the felling and removal of all trees from any Homesite, Cluster Homesite, or Condominium site shall be allowed.
- (3) It is required that approximately 25-30% of the Homesite, 25%-30% of the commonly owned Cluster Homesite area (within a cluster), and 25%-30% of Condominium sites remain in a wooded state.
- (4) Owners need to maintain a 15' buffer zone of trees around the perimeter of any Homesite, the common property of any Cluster Homesite, or any Condominium site, unless otherwise specified and approved through the permitting process. The felling of larger (view restricting trees) may be permitted, but smaller; privacy-buffer-trees should then be planted and/or maintained. Under the following conditions and standards, the Building Committee may, at its discretion, permit tree cutting within the 15' buffer.
  - a. Applicant agrees to replace the gap in the buffer with lower growing, privacy enhancing trees such as spruce or evergreens that provide a sense of privacy to the community.
  - b. Removal of trees does not open the line of sight between existing structures or the best logical locations for potential future structures.
  - c. Removal of trees must avoid the opening of line of sight between structures and public or community owned land, including roads.
  - d. If the above conditions change due to the creation of new roads, common properties or new homes, the Board of Directors reserves the right to mandate the replanting and maintenance of new trees, including size, location and species. The property owner may be required to incur the cost of up to 8 foot tall tree(s).

(5) Trees within 30' of the main structure (including deck structures) of any home structure can be cut without a permit unless the trees are within the 15' buffer zone in which case proper permit application and approval shall be required. Trees that are in the immediate proximity of a home, that do not present a threat to the home value or the safety of the home occupants are encouraged as privacy barriers to the neighboring community at large.

(6) Dead trees may be cut down at any time as long as they are on the owners' property. Trees must be completely dead with no living leaves from the past season, unless otherwise approved through the permitting process.

(7) In the event of removal of trees in violation of any aspect of this policy, the Board of Directors may, upon its own initiative or upon request of the Building Committee, take the following actions:

- a. Assess a penalty against the Owner of up to \$2500 per tree. Such assessment shall constitute a lien on the property and may be made a matter of record at the Grafton County Registry of Deeds in accordance with the Declaration.
- b. Mandate the replanting and maintenance of new trees including size, location and species. The property owner may be required to incur the cost of up to 15 foot tall tree(s).

(8) The Waterville Estates Tree Cutting Policy should respect the intent of the Town of Campton's and the Town of Thornton's Master Planning initiatives to preserve their public values by not opening hilltop landscapes to the view of the Towns people (whether in their home or on public grounds).

(9) All appeals regarding the Building Committee decisions must be directed to the Waterville Estates Board of Directors.

**Notes:**

(1) Exceptions to the regulations may occur. For example, it may not be possible to completely obscure line of sight cutting, however efforts should be made to minimize line of sight cutting from home to home (including future potential homes) or from home to road (and/or other public grounds) even if that cutting may conflict with the tree cutting policy guidelines. The same is true regarding the requirement for 25%-30% of a property to remain wooded, and to not allow cutting into a 15 foot buffer zone along property boundaries. The regulations are meant to ensure the general protection of property values and protect against the negative impact of individual cutting activities. With any exceptions that may be approved, decisions should reflect the policy intent as a primary consideration.

(2) Owners should be aware that Public Service of New Hampshire does trim or clear cut under high tension power lines from time to time. Trees, bushes, etc, may be lost.

(3) As a final, neighborly consideration, it is suggested that the applicant discuss and work with their abutting neighbors in determining the best approach before filing their permit or proceeding.