

**POLICY FOR TREE CUTTING VIOLATIONS OF THE RINDGE
WETLANDS CONSERVATION DISTRICT ORDINANCE**

1. The Selectmen shall enforce the Wetlands Conservation District Ordinance. All Sections mentioned in this Policy refer to Sections of the Rindge Wetlands Conservation District Ordinance.
2. Specifically, the Restricted Uses referred to in Section 6 relative to tree cutting are subject to Section 9, Enforcement and Section 10, Violations.
3. The purpose of this policy is to clarify what the Selectmen will require of violators as prescribed by Section 10, Violations, and authorized by Section 9.A.
4. Prior to the actions required in paragraphs 5 & 6, an escrow account will be established and funded by the violator, for the purpose of paying for the services of the Town Forester and environmental consulting firm.
5. Prior to the submission of the restoration plan described in Section 10, the Town Forester shall make an inventory of the area of violation, enumerating the number of trees, saplings and shrubs of each species that were cut, and the size of each tree, sapling and shrub cut.
6. Any restoration plan shall be prepared by an environmental consulting firm selected by the Selectmen and paid for by the violator. The intent of the replanting shall be to replace 50% of the species and density of vegetative landscape that existed prior to the illegal cutting. As provided for by Section 10.C.3, the Conservation Commission shall review the restoration plan and may make recommendations to the Selectmen. A cost estimate shall be prepared and the execution of the plan shall be performed by a professional landscaping firm selected by the Selectmen and paid for by the violator. No work can begin on the restoration until the Selectmen have approved the final plan. In the interim, other soil stabilization methods may be recommended by the environmental consulting firm and shall be implemented by the violator where required.
7. If the Selectmen approve a restoration plan that does not require replanting of at least 50% of the basal area of trees and 50% of the number of saplings and shrubs that existed prior to the cutting, then the violator will pay an amount equivalent to the difference in cost between the 50% replacement and the plan approved by the Selectmen. This payment will not affect the administrative fine set forth in Section 10.C.1.
8. The administrative fine prescribed in Section 10 C.1, shall be levied for each day a violation continues, beginning with the day the Notice of Violation is issued until the day the cut area is restored and all fines, contractor costs and legal fees have been paid by the violator. Each day of cutting activity in violation of the Ordinance, and each day an illegally cut area remains unrestored is a separate

violation. Consideration will be given by the Selectmen to events beyond a violator's control, not including, however, reasonable periods of time for the environmental consultant, landscaping firm, Rindge Conservation Commission and the Selectmen to fulfill their responsibilities under this policy. Consideration will also be given by the Selectmen to seasonal conditions that can affect a replanting schedule, and the determination that these conditions affect the replanting schedule shall be made by the environmental consulting firm selected by the Selectmen.

9. Sprouting of new growth from stumps remaining in the ground will not count toward the replacement of 50% of the original basal area, saplings or shrubs.
10. A performance bond shall be posted by the violator for the full replanting cost of the violated area to pay for the replacement of any trees, saplings and shrubs planted that do not survive through three consecutive winters after planting. If any tree (s), sapling (s) or shrub (s) does not survive through three winters, it (they) shall be replanted by a professional landscaping firm selected by the Selectmen, and the performance bond mentioned above will be renewed for the full amount for an additional three years, and so forth and so on, until all trees that were replanted survive through three winters.
11. The violator shall reimburse the Town for any legal fees incurred in the enforcement of the Ordinance and this Policy.