

TREE REMOVAL APPLICATION GUIDELINES

Echo Hill South Association, Inc.

A. Association Restrictions

The Echo Hill South neighborhood was designed for harmony with its natural wooded setting. The layout of the lanes and road eyebrows, the house styles and their situation on single lots, the retention of mature trees, and the inclusion of Common Properties reflect the developer's desire to preserve the natural character of the landscape.

To help maintain the character of this special neighborhood, the Echo Hill South Association's "Declaration of Covenants and Restrictions" established guidelines governing private lots and the Common Properties. According to the restrictions, proposed tree removal, for safety and cosmetic reasons, must be submitted for review and be approved by the EHS Association's Board of Directors. The Board seeks to ensure that changes are made in harmony with surrounding structures and with the character of the neighborhood. Only with the approval of the Board can homeowners undertake regulated changes.

These procedures are designed to reduce conflict between neighbors and to maintain our neighborhood's aesthetics.

B. Types of Tree work Covered by the Covenants and Restrictions

Major changes to the landscape and exterior appearance of a homeowner's lot require approval. As stated in Article VII of the Echo Hill South Association Covenants and Restrictions, a Tree Removal Committee is composed of three (3) or more EHSA board representatives appointed by the EHSA Board of Directors. The *Covenants and Restrictions* regulate the following types of changes:

1. Homeowner *Tree Removal*, on a homeowner's property. "No tree in excess of six (6) inch diameter upon any lot shall be cut down except by the [original] Developer or by order of the tree warden of the Town of Amherst ...or approval of the EHSA Board and Tree Committee" (Article VI, Section 8). The determination of a tree's diameter is made approximately 4 feet above the ground.

2. Tree removal on *Common Properties*. No alterations of any kind may be made to the Common Properties without the explicit approval of the Board of Directors and Tree Committee.

3. Tree removal by the Town of Amherst: If a tree on town land is considered a measurable threat to road or home safety, it will be taken down by the town of Amherst. In this case the EHSA board follows the recommendations of the Town of Amherst Arborist.

Applicant Procedures for Tree Removal

1. **Application.** EHSA covenants state that a **Tree Removal Application** must be formally submitted by the homeowner to the EHSA Board of Directors, and the removal wait for the EHSA Board to approve or decline the application. The instructions and application form are available on the website: www.echohillsouth.org or by written request from the Board.

The completed form must be returned to the EHSA Board of Directors at least **30 days prior to tree removal**. Annual Assessment Fees for said applicant must be **paid in full** for the **Tree Removal Application** to be considered.

- The application asks for the nature of the tree work and its rationale.
- If an arborist has deemed a tree unsafe, the arborist report, along with their name and contact information must be included with the application.
- Applications for tree removal should include a diagram of the lot that clearly identifies the property borders, those trees that are to be removed and the trees that will remain.
- Attach any other information that helps to explain the nature of the expected work, and start and end time frame,
- The applicant must mark trees to be cut down with brightly colored tape and note the color of the tape on the diagram.
- In all cases of approved tree removal, it is the complete responsibility of the homeowner to remove all branches and debris created by the tree removal. Under no circumstances should this debris be deposited on Common Properties.
- Any property owner who has a boundary within 120 feet of the applicant's lot is considered an abutter. Use the mapping tools available on the Town of Amherst Website to find your lot number, and locate accurate property boundaries. <https://www.amherstma.gov/400/Amherst-Maps-Property-Info>
- **The EHSA board strongly recommends that homeowners notify abutting neighbors about any planned or scheduled tree removal.**
- Property owners should ensure that trees near a street that are marked for removal need to be approved by the Amherst Tree Warden as they may be town-owned trees.

2. **Association Review Process.** Within 30 days of receipt of the application, several members of the EHSA Board and Tree Committee will conduct a review of the proposal. The review will include a site visit. The Board may seek additional information from the applicant and may take photographs of the site. Please remember that the individuals reviewing the proposal are Association members who voluntarily give of their personal time. Proposals should be submitted well ahead of the planned work to enable the Board to conduct a responsible review. The Board, for its part, strives to respond to applications as quickly as possible.

3. **Approval.** Following the review, the EHSA Board and Tree Committee will issue a written response to the applicant indicating the Board's decision. If the Board feels that modifications to the proposal would make it acceptable, conditions to that effect will be included. An approval is **good for one year from the date the application is approved in writing by the EHSA Board of Directors** after which time the proposal must be resubmitted for a new review.

4. **Appeal.** In the case of a rejected application, reasons for rejection will be clearly stated in a written response to the applicant. The applicant may appeal by submitting a copy of the original application, with an additional statement with reason(s) for the appeal and any supplemental documents, directly to the EHSA Board of Directors. In this case, a new 30 day period will begin. The EHSA Board will review again, and their new decision will be final.

5. **Notification by Owner.** The homeowner shall notify the EHSA Board of the approximate dates when the work will take place.

6. **Final Review.** The EHSA Board reserves the right to inspect the site with the owner upon completion of the work. Any apparent intentional misuse of the approved agreement will be addressed individually by the Board of Directors.

7. **Liability for the Common Properties.** The Echo Hill South Common Properties may not be entered or disturbed in any way during the process of tree removal or architectural change except with explicit prior approval by the Board of Directors. The private property owner is responsible for restitution to the Echo Hill South Association for any damage to the Common Properties which occurs during any approved change on his/her property, even if the contractor is at fault.

8. **Approved Application Transfer to New Owner.** An approved application may be transferred to a new owner who adds the following signed and dated statement to a copy of the application: "I will abide by the conditions of the approval and assume full responsibility that the work performed will conform to the approved plan." A copy must be returned to the Board of Directors before any work may begin. The original one year timeline still applies.

9. **Tree Emergency/Dead Tree Situation.** When a tree is standing but dead or is uprooted or damaged by a storm and constitutes an imminent danger, a quick approval process for trimming or removing such a tree may be initiated by contacting any member of the EHSA Board of Directors. See our website www.echohillsouth.org for contact information.

Adopted by the Board of Directors, 1/9/94; revised 1/12/13; revised and finalized on 5/15/2023.