

Webster Conservation Commission Tree Removal Policy

Adopted 6/7/2021

BACKGROUND:

Trees have significant ecological value in that they provide oxygen, shade, moisture transpiration in the air benefitting lower story plant life, habitat for wildlife, soil stabilization and erosion control. Even dead trees provide habitat for a variety of cavity nesters and organic nutrients for soil. However, the Webster Conservation Commission (WCC) recognizes that a tree which is diseased, dying, dead, too close to a dwelling, or otherwise compromised can pose a danger to persons and property prompting their removal. Notwithstanding, the Buffer Zone and Riverfront Area, secondary resource areas under the jurisdiction of the WCC, typically provide a barrier between developed regions and primary resource areas such as wetlands, ponds, streams, and rivers – the primary resource areas of the WCC's interest and concern – and must be maintained in as close to their natural state as is reasonable to ensure the health and viability of the primary resource areas.

PURPOSE:

This policy is intended to prevent damage to or alteration of WCC jurisdictional areas and to mitigate the net loss of trees owing to their removal therefrom and to provide an expedited procedure and guidelines for tree removal where appropriate circumstances warrant their removal. The policy applies to two types of trees “Compromised” trees and “Healthy” trees

Compromised trees - Trees that are either deemed to be a threat to a dwelling, structure, or a public facility by virtue of its size and proximity, its state of health, or persistent insect activity or trees that have been infected with insects, fungi, or diseases that pose a threat of spreading to the surrounding area. Such trees will be called “compromised trees” (a letter from a Certified Arborist may be required to verify its condition as a “Compromised Tree”).

Healthy trees – A healthy tree is one that is growing, and able to maintain a crown of leaves or needles. It produces new growth yearly on both its trunk and branches.

In instances where there is clear evidence of a tree's imminent failure threatening danger to persons and property (e.g. broken limbs, “sawdust” noted about the tree due to insect activity, etc.), the WCC Agent is authorized, at their discretion, to issue an Emergency Authorization for the immediate removal of the tree.

PROCEDURE:

Compromised trees

Any applicant proposing to remove a Compromised Tree from a jurisdictional area of the WCC shall:

- 1) Mark each Compromised Tree to be removed with ribbon or string.
- 2) Identify each Compromised Tree to be removed on a sketch or plan or in photographs to be filed with their application.
- 3) Provide a written narrative describing in detail:
 - a. the manner in which each of the subject tree(s) constitutes a Compromised Tree;
 - b. the immediate danger each tree poses;
 - c. the location of each such tree and its immediate environmental conditions

- (landscaping, grade, soil conditions, etc.);
- d. the proposed method for each tree's removal, including the handling of tree debris and any disturbed area; and
- e. the proposed replacement for each removed tree, including tree species and planting location, unless otherwise exempted from replacement. The applicant/owner must describe the steps that will be taken to maintain the tree for at least 24 months after the date that it is planted.
- f. The WCC may require the written opinion of a certified arborist in the event the health of, or danger imposed by, the Compromised Tree is unclear or has not been adequately substantiated. It is much more difficult to tell the health of deciduous tree in the winter, so the Commission suggests that trees be evaluated during the growing season. The applicant may choose an Arborist of their choice.

4) File the appropriate application for relief with the WCC:

- a. For removal of no more than five (5) Compromised Trees located solely within the Buffer Zone, an Administrative Approval is required; or
- b. For removal of six (6) or more trees located within the Buffer Zone or any number of trees within Riverfront Area, a Request for a Determination of Applicability (RDA) shall be submitted;

5) In any instance where an arborist or tree services company is or has been consulted to determine the status of, and recommendations for, a property's trees, the property owner shall provide an official copy of the experts survey results and recommendations as part of their request to the WCC

6) Conduct the removal of any Compromised Trees in accordance with any and all conditions imposed by the WCC in granting approval for said removal.

Healthy trees

Any applicant proposing to remove a Healthy Tree from a jurisdictional area of the WCC shall:

- 1) Mark each Healthy Tree to be removed with ribbon or string.
- 2) Identify each Healthy Tree to be removed on a sketch or plan or in photographs to be filed with their application.
- 3) Provide a written narrative describing in detail:
 - a. why the tree needs to be removed and its immediate environmental conditions (landscaping, grade, soil conditions, etc.);
 - b. the proposed method for each tree's removal, including the handling of tree debris and any disturbed area;
 - c. and the proposed replacement for each removed tree, including tree species and planting location, unless otherwise exempted from replacement. The applicant/owner must describe the steps that will be taken to maintain the tree for at least 24 months after the date that it is planted.
- 4) In any instance where an arborist or tree services company is or has been consulted to determine the status of, and recommendations for, a property's trees, the property owner shall provide an official copy of the experts survey results and recommendations as part of their request to the WCC
- 5) File the appropriate application for relief with the WCC: For removal of any number of

Healthy trees located within the Buffer Zone or any number of trees within Riverfront Area, a Request for a Determination of Applicability (RDA) shall be submitted;

6) Conduct the removal of any Healthy Trees in accordance with any and all conditions imposed by the WCC in granting approval for said removal.

Tree Mitigation Requirements

The removal of any tree shall be mitigated by its replacement with a newly planted native tree (minimum of 1.5" caliper) that however is not required to be of same species, nor shall the new planting necessarily be in the same locus as the tree removed, moreover where trees may not be the best choice of restoring the resource area, shrubs such as but not limited to: Alders, Highbush Blueberries, or Pepper Bush may be planted with the approval of the WCC. This policy of *No Net Loss Of Trees* shall extend to all trees that are still alive at the time of removal. Dead trees and snags shall not be subject to the *No Net Loss of Trees* policy. The applicant/owner must describe the steps that will be taken to maintain the tree for at least 24 months after the date that it is planted.

In appropriate circumstances where the WCC finds to be impractical to plant a replacement tree or trees, other mitigation efforts can be determined reasonable.

*This Policy is intended to cover only the removal of trees. Other vegetation removal requests within the Commission's jurisdiction, such as shrubs, and native groundcover must be reviewed and approved by the Commission. Please contact the Conservation Office for more information regarding removal of these plants.

AUTHORITY:

This policy has been adopted by the WCC pursuant to the authority granted by Massachusetts General Laws Chapter 131, § 40 (Wetlands Protection Act) and the regulations adopted thereunder (310 CMR 10.00).

Resource for information regarding native trees and other vegetation:

The Vascular Plants of Massachusetts: A County Checklist First Revision

Melissa Dow Cullina, Bryan Connolly,

Bruce Sorrie and Paul Somers

<https://www.umass.edu/agriculture-food-environment/landscape/fact-sheets/trees-shrubs-for-coastal-environments-freshwater-resource-buffer-zones>