

WAKEFIELD CONSERVATION COMMISSION
TREE REMOVAL POLICY FOR LANDOWNERS
UNDER THE MASSACHUSETTS WETLAND PROTECTION ACT
APPROVED: 7/6/17

Introduction: The Conservation Commission (Commission) is a 7-member volunteer board responsible for administering the Massachusetts Wetlands Protection Act (WPA) and regulations (310 CMR 10.00)

The Commission has jurisdiction over the following areas:

- Wetland resource areas, defined as 100-year zones, wetlands, streams, ponds and marshes.
- Riverfront areas (land within 200 feet of a perennial stream).
- Buffer zones – Land within 100 feet of a Wetland Resource Area. **A strict standard of review applies to the 25-foot of buffer closest to human activity (no-disturb zone).**

Landowners must obtain prior permission from the Commission and/or their Agent before work of any kind (i.e., tree or brush removal or trimming, vegetation removal or cutting, lawn expansion, soil grading and construction) is conducted in a jurisdictional area. Wetland resource areas and riverfront areas may sometimes appear to be dry and thus difficult to identify. All landowners are encouraged to contact the Conservation office at 781-224-5015 or concom@wakefield.ma.us to discuss any proposed work.

Purpose of this Document: This tree removal policy document was developed to:

- Expedite the approval process for tree removal requests;
- Provide consistent implementation of the Commission's policy;
- Recognize the ecological value of natural wooded areas close to wetlands, streams and waterways;
- Protect the ecological functions trees provide in jurisdictional areas; and
- Allow landowners to maintain safety and enjoyment for people and property.

Presumptive ecological value of trees: Trees in jurisdictional areas perform ecological functions and encourage a healthy biodiversity by providing habitat for wildlife; reducing flood elevations; stabilizing soil, assisting nutrient uptake that improves water quality and providing shade that contributes to healthy vegetation and cool water. Even dead trees provide habitat for cavity dwellers and organic nutrients for soil through their decay process.

Policy: No trees may be taken down in jurisdictional areas unless permission has been granted by the Commission and/or its Agent. This policy applies to all jurisdictional areas, whether natural or landscaped. **Landscaped areas** are those locations comprised predominantly of lawn or landscaping shrubs. **Natural areas** are those areas comprised predominantly of naturally occurring vegetation.

I. Guiding Principles

A. Reason for tree removal. For tree cutting in jurisdictional areas to be approved, the tree must either:

- Pose a safety threat, or
- Interfere **substantially** with the landowner's use of property.

B. Conditions for tree removal.

- Mitigation requirements. Tree cutting requests may be granted conditional on the replacement of one or more trees. (See Section V below.)
- Limits on equipment use. Generally, the Commission requires that all tree removal equipment remain on landscaped or paved areas and outside natural areas.
- Limited grinding of trunks. To minimize disturbance, the only tree trunks that may be ground below the surface are those in landscaped areas or outside the 25' no-disturb zone.

C. Discretion – In certain cases the Commission may exercise its discretion in the application of this policy. (See section IV.)

II. Trees subject to this policy*.

- All trees (**living or presumed diseased or dead**) at least 6" in diameter (when measured 4 feet off the ground).

III. Tree removal request

- A landowner proposing to remove one or more trees in a jurisdictional area must receive prior approval from the Commission and/or its Agent.
- Requests may be made in writing via email to: concom@wakefield.ma.us.
- The request should include the reason for removal (e.g. poses a safety threat or interferes substantially with the landowner's use of property).
- Location of the tree. Specifically whether it is located in a natural area, landscaped area or lawn area.
- Condition of the tree. If the property owner contends that the tree is unhealthy or dying, prior to approval, a letter from a licensed arborist attesting to this will be required.

IV. Review and Approval Process

- The Agent will conduct a site visit and in some cases can administratively approve the removal. If the Agent feels further review is required, the matter will be brought to the next scheduled Commission meeting for discussion and vote.
- **A vote by the Commission will be required for removal of any live tree within a jurisdictional area.**
- Following either a site visit or vote, a letter or email of approval or denial will be issued.

V. Tree Mitigation Requirements and Conditions

- Mitigation – the loss of live trees cut in a resource area, **especially those removed within the 25' no-disturb zone**, shall be mitigated as follows:
 - Any tree with a diameter of 6" or more (measured 4' off the ground) shall be replaced per linear foot.
 - Trees are to be planted at least as close to the resource area as the cut tree that is being replaced.
 - In order to optimize wildlife habitat value to the maximum extent practicable as well as ensure viability of the new plantings, replacement trees and shrubs shall be native New England wetland species. (<https://ag.umass.edu/landscape/fact-sheets/north-american-plants-for-new-england-gardens>)
 - Please provide a proposed planting list to the Conservation Department prior to purchase and installation.
 - In the event that replanting of the full linear foot requirement is not practicable, payment of \$10 per linear foot for the remaining total must be made to the Commission's Habitat replacement Fund. The Agent will determine the linear foot replacement total. **Delivery of the check to the Conservation Office must be made prior to scheduling tree removal.**
 - All new plantings must survive two growing seasons. In-kind replacement will be required for plantings that do not survive during this timeframe.

***This Policy is intended to cover only the removal of trees. Other vegetation removal requests within the Commission's jurisdiction, such as cutting trees that are less than 6" in diameter, removal of shrubs and native groundcover must be reviewed and approved by the Agent and/or Commission. Please contact the Conservation office at 781-224-5015 or concom@wakefield.ma.us for more information regarding removal of these plants.**