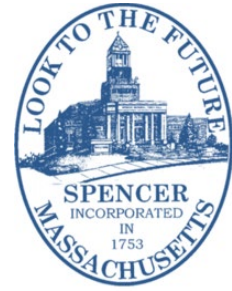


Spencer Conservation Commission

Tree Removal Policy

*Under the Massachusetts Wetlands Protection Act &
Spencer General Bylaw
Adopted May 10, 2023*



Tree Removal Policy: No trees may be cut from Wetland Resource Areas and/or Buffer Zones (Jurisdictional Areas) unless permission has been granted by the Conservation Commission. 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. The Conservation Commission has jurisdiction over the following areas ("Jurisdictional Areas"):

- Wetland Resource Areas, defined as 100-year flood zones, wetlands, streams, ponds, and marshes.
- Riverfront Areas - Land within 200 feet of a perennial stream.
- Buffer Zones and Upland Buffer Zone Resource Area - Land within 100 feet of a Wetland Resource Area.

Purpose of this Policy: This tree removal policy was developed to expedite the tree cutting approval process when a landowner believes a tree is a hazard¹ and would likely cause damage to a structure or maintained portion of their property (i.e. driveway, yard, leaching field, parked equipment, home, shed).

Ecological Value of Trees. Trees and other vegetation in and around wetland resource areas provide significant ecological functions in Spencer. Removing trees and vegetation can reduce the ability of the landscape to perform these important functions.

Root systems stabilize soils which prevent erosion into wetlands and waters and maintain soil structure. As plants absorb water and air, they filter nutrients, pollutants, and greenhouse gases, such as dust, toxins, bacteria, and carbon dioxide. A single tree can absorb thousands of gallons of water in a growing season, which helps regulate water levels. During flood events, the water retained in vegetation reduces flooding, and the vegetation itself acts as a barrier to slow and disperse flood waters. This reduces downstream flooding and property damage.

Shade from vegetation helps to regulate air, soil, and water temperature. Lower air temperatures require less energy to cool buildings in summer and certain species require cool water to survive. Leaves shield areas during storm events, preventing and minimizing storm damage. When vegetation falls to the ground, it produces rich organic soils as it decomposes. Living and dead trees and other vegetation provide important habitat for a variety of plants and animals.

I. Guiding Principles

- Reason for Tree Removal.** For tree-cutting in Jurisdictional Areas to be approved under this policy, the tree(s) must present a hazard to people, permanent or temporary structures, or usable surfaces (lawn, driveway).
- Conditions for Tree Removal.** Generally, the Commission requires that all tree removal equipment remain on landscaped or paved areas and outside of natural areas. To minimize disturbance, the only tree trunks that may be ground below the surface are those in landscaped areas or at least 50' from the wetland resource area. Replacement

tree or shrub planting is required. In certain cases, the Commission and/or staff may exercise enforcement at their discretion in the application of this policy.

- II. Trees Subject to this Policy.** Trees are categorized by size according to their diameter at breast height (DBH). Small trees are less than 10-inches DBH; Large trees are greater than 10-inches DBH.

III. Tree Removal Request Application

- A. *Application Form.* A landowner proposing to cut one or more trees in a Jurisdictional Area must file a "*Tree Removal Application Form*" which includes the following information:

1. Tree size, type, and condition
2. Reason for the tree removal request
3. Whether the tree is in a natural area, landscaped area, or lawn area.
4. The scope of work and the equipment to be used.

- B. *Informal Map.* The landowner must include, with the Tree Removal Application, an informal map showing:

1. Existing Wetland Resource Areas (including Riverfront Area) and the 100-foot buffer zone, house, trees, and other relevant features; and
2. Proposed trees to be cut (numbered in a way that can be cross-referenced with application).

IV. Review and Approval Process

- A. *Conservation Staff Administrative Review/Approval.* Conservation Agent or Commissioners may administratively approve up to four (4) trees within 25 foot no-disturb-zone (NDZ), and/or up to six (6) trees outside of the NDZ.
- B. *Formal Conservation Commission Review/Approval.* If tree removal in a Jurisdictional Area is proposed beyond what Conservation staff are authorized to approve pursuant to this policy, such removal may be permitted by the Conservation Commission, provided that the owner files a Request for Determination of Applicability or Notice of Intent, and the Conservation Commission permits such removal.

Certified Arborist Assessment Requirement

A certified arborist assessment is required for trees claimed to be a safety hazard because of disease, rot, insect damage, etc. that isn't readily apparent. A certified arborist assessment may be required for administrative and formal approvals. The assessment must discuss the health of the roots, trunk, and canopy, and hazard potential including the likelihood of failure and impacting an active use area. The Commission reserved the right to require a certified arborist assessment and its discretion where the circumstances warrant such assessment.

V. Tree Mitigation Requirements and Conditions

To replace functions lost due to the removal of trees and shrubs in areas subject to jurisdiction, the following are guidelines typically applied to tree and shrub replacement.

- A. *Mitigation.* The loss of trees cut in a Wetland Resource Area or NDZ shall be mitigated as follows:
1. For any tree >10" DBH - the owner shall plant one native tree or two native shrubs for each large tree cut.

2. For any tree ≤ 10 " DBH - the owner shall plant one native shrub or one native tree for each small tree cut.
- B. Replacement Tree Requirements².** A replacement tree shall:
1. Be planted as close to the cut tree as possible or closer to the wetland edge.
 2. Be a native species with a diameter size of 1" or greater.
 3. Must provide the same ecological functions as what was removed.
 4. Survive a minimum of two growing seasons. Applicant/owner must describe steps taken to maintain tree for at least 24 months after date that it is planted.
 5. Removal of the following vegetation may not always require replacement:
 - i. Trees less than ten (5) inches in diameter,
 - ii. shrubs less than three (3) feet in height,
 - iii. trees at least ten (5) inches in diameter that are cut at least ten (10) feet above the ground to become standing snag,
 - iv. Existing standing snags³ and downed woody debris⁴
 6. Replacement trees are subject to Commission inspection for two years from the date of planting to ensure viability. The Commission has the discretion to require re-planting if the replacement trees do not remain viable for two years.
- C. Waivers.** A property owner may request a waiver (in writing) for any required mitigation planting. Mitigation may be waived, for example, in the following cases subject to the discretion of the Commission:
1. The tree(s) was/were significantly damaged in a storm event.
 2. The property is heavily wooded and growing new shrubs or trees would be difficult.
 3. The tree to be removed is already dead.

VI. Permission by Administrative Approval

- A.** Once granted, Administrative Approval will be valid for **no more than thirty (30) calendar days**. Extensions may be approved at the discretion of the Conservation Commission or its agent if a hardship can be demonstrated.

This Policy is intended to cover only the removal of trees within the Commission's jurisdiction. Landowners must obtain prior permission from the Conservation Commission before work of any kind (e.g., tree or brush removal, 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, so all landowners are encouraged to contact the Conservation Office at (508)885-7500 x180 to discuss any proposed work.

For further information please visit the Conservation Department page on the town website www.spencerma.gov

1. *Hazard tree - A tree which is dead or dying and/or has a structural defect that may cause the tree or a portion of the tree to fall on a target such as people, permanent or temporary structures, or usable surfaces (lawn, driveway).*
2. *See Spencer's "Tree and Shrub Replacement Guidelines"*
3. *Standing snag – A standing dead tree at least ten (10) feet in height that has remained for a minimum period of two years and/or is solely supported by another tree.*
4. *Downed woody debris – A dead tree or other dead woody vegetation that has fallen to the ground in a naturally vegetated area.*