

WESTON CONSERVATION COMMISSION
TREE REMOVAL POLICY FOR LANDOWNERS
UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT

Approved October 28, 2015

Revised July 21, 2020

Introduction. The Conservation 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 (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 - Land within 100 feet of a Wetland Resource Area. A strict standard of review applies to the area within 25-feet of a Wetland Resource Area (Weston's No Disturb Zone, or NDZ).

Landowners must obtain prior permission from the Commission before work of any kind (*e.g.*, 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, so all landowners are encouraged to contact the Conservation Office at 781-786-5068 to discuss any proposed work.

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

- Expedite the approval process for tree cutting requests;
- Provide consistent implementation of the Commission's policy under its wetland regulatory authority;
- 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 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 nesters and organic nutrients for soil.

Policy: No trees may be cut from Jurisdictional Areas unless permission has been granted by the 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.

I. Guiding Principles

A. Reason for Tree Removal. For tree-cutting in Jurisdictional Areas to be approved, the trees must either:

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

B. Conditions for Tree Removal.

1. Mitigation Requirements. Some tree cutting requests may be granted conditional on the replacement of one or more trees (See Section V Below).
2. Limits on Equipment Use. Generally, the Commission requires that all tree removal equipment remain on landscaped or paved areas and outside of natural areas.
3. 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 NDZ.

C. Discretion. In certain cases the Commission may exercise its discretion in the application of this policy.

II. Trees Subject to this Policy*

A. Size. At least 4 inches in diameter (when measured 4 feet off the ground).

B. Size Categories. Trees are categorized as small (4-10 inches), medium (11-20 inches), or large (more than 20 inches).

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" (www.weston.org/1031/Tree-Removal-Process) which includes the following information:

1. Tree size, type, and condition;

2. Reason for the tree removal request (*e.g.*, poses a safety threat or interferes substantially with the landowner's use of property);
 3. Statement indicating whether the tree is located in a natural area, landscaped area, or lawn area;
 4. Statement explaining:
 - (a) the type of equipment (mechanical or hand) that is proposed to be used in the removal of the tree,
 - (b) whether the equipment can be kept outside of natural areas, and
 - (c) whether any disturbance to a natural area other than the removal of the tree will be necessary;
 5. Statement as to whether the stump is proposed to be ground; and
 6. Plans for lawn expansion, if any.
- B. Informal Map. The landowner must include, with the Tree Removal Application, an informal map showing:
1. Location of existing Wetland Resource Areas (including Riverfront Area) and the 100-foot buffer zone, house, trees, and other relevant features; and
 2. Location of proposed trees to be cut (numbered in a way that can be cross-referenced with application).

IV. Review and Approval Process

- A. Conservation Administrator Administrative Approval. The Conservation Administrator may administratively approve the following for trees of any size if no lawn expansion is proposed:
1. Within the NDZ or Wetland Resource Area: Up to 5 trees; and
 2. Outside the NDZ: Up to 15 trees that are within Riverfront Area or the 100-foot buffer zone.
- B. Commission Administrative Approval. The Commission may administratively approve the following, if no lawn expansion is proposed:
1. Within the NDZ or Wetland Resource Area: 6-10 trees; and
 2. Outside the NDZ: 16-25 trees that are within Riverfront Area or the 100-foot buffer zone.
- C. Formal Commission Approval. The Conservation Commission may permit the following, provided that the owner has filed a Request for Determination of Applicability (RDA) or a Notice of Intent (NOI) as appropriate (see the Commission website for further information about the permitting process):
1. Any trees in a Jurisdictional Area proposed for lawn expansion;
 2. Any trees that cannot be administratively approved under IV.A. or B. above.

V. Tree Mitigation Requirements and Conditions

- A. Mitigation. The loss of trees cut in a Wetland Resource Area or NDZ shall be mitigated as follows:
1. Large trees: the owner shall plant a native tree sapling (or two native shrubs) for each large tree cut.
 2. Medium trees: For every 5 (or subset of 5) medium trees proposed to be cut, the owner shall plant a native tree sapling or two native shrubs.
- B. Replacement Tree Requirements. A replacement tree shall:
1. Be planted at least as close to the resource area as the cut tree closest to the wetlands that the new tree is replacing;
 2. Be of a native species (see the Commission's Buffer Zone Restoration Guidelines as a resource);
 3. Have a caliper size of 1" or greater;
 4. Optimize wildlife habitat value to the maximum extent practicable; and
 5. Survive two growing seasons. 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.
- C. Waivers. A property owner may request a waiver (in writing, to the Conservation Commission) 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) 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.

*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 4" in diameter, 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.