

TCC Policy #2017-1
Topsfield Conservation Commission Tree Removal Policy
Adopted May 24, 2017
Revised March 28, 2018

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 Topsfield Conservation Commission (TCC) 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 TCC, typically provide a barrier between developed regions and primary resource areas such as wetlands, ponds, streams, and rivers – the primary resource areas of the TCC'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 TCC 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. **This policy applies solely to 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”).** 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 TCC administrator is authorized to issue an Emergency Authorization for the immediate removal of the tree.

AUTHORITY:

This policy has been adopted by the TCC pursuant to the authority granted by Massachusetts General Laws Chapter 131, § 40 (Wetlands Protection Act) and the regulations adopted thereunder (310 CMR 10.00), the Topsfield General Wetlands Bylaw (Chapter 62) and the regulations adopted pursuant thereto.

PROCEDURE:

Any applicant proposing to remove a Compromised Tree from a jurisdictional area of the TCC 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: the manner in which each of the subject tree(s) constitutes a Compromised Tree; the immediate danger each tree poses; the location of each such tree and its immediate environmental conditions (landscaping, grade, soil conditions, etc.); the proposed method for each tree’s removal, including the handling of tree debris and any disturbed area; and the proposed replacement for each removed tree, including

tree species and planting location, unless otherwise exempted from replacement. The TCC 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.

- 4) File the appropriate application for relief with the TCC:
 - a) For removal of no more than four (4) Compromised Trees located solely within the Buffer Zone, a TCC Administrator's Permit (TCCAP) is required; or
 - b) For removal of five (5) or more trees located within the Buffer Zone or any number of trees within Riverfront Area, a Request for a Determination of Negligible Impact (RDNI) or Request for a Determination of Applicability (RDA) shall be submitted; or
 - c) For removal of Compromised Trees located in other TCC jurisdictional areas not set forth above, a Notice of Intent (NoI) shall be submitted.
- 5) Conduct the removal of any Compromised Trees in accordance with any and all conditions imposed by the TCC in granting approval for said removal.

The removal of a Compromised Tree shall be mitigated by its replacement with a newly planted **native** tree (minimum of 3' tall) 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, High-bush Blueberries, or Pepper Bush may be planted with the approval of the TCC. 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 that pose a threat in like manner as Compromised Trees shall not be subject to the No Net Loss of Trees policy.

In appropriate circumstances where it is found to be impractical to replace a tree for a Compromised Tree, a donation to the Topsfield Tree Planning Committee may serve the same purpose.

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

<http://masslib-dspace.longisight.com/bitstream/handle/2452/120973/ocn747431427.pdf?sequence=1&isAllowed=y>