

**DUXBURY CONSERVATION COMMISSION**  
**TREE REMOVAL POLICY FOR LANDOWNERS**  
UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT &  
DUXBURY WETLANDS PROTECTION BYLAW  
*Adopted May 9, 2023*

**Tree Removal Policy<sup>i</sup>:** 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 hazard<sup>ii</sup> 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 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.

**I. Guiding Principles**

- A. 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).
- B. 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 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 12-inches DBH; Large trees are greater than 12-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 Staff may administratively approve up to five (5) trees within Jurisdictional Areas as described in this policy.
- 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.

#### 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. For any tree >12" DBH - the owner shall plant one native tree or two native shrubs for each large tree cut.
  2. For any tree ≤ 12" DBH - the owner shall plant one native shrub or one native tree for each small tree cut.
- B. Replacement Tree Requirements<sup>iii</sup>. 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 <sup>iv</sup> with a diameter size of 1" or greater.
  3. Survive two growing seasons. Applicant/owner must describe steps taken to maintain tree for at least 24 months after date that it is planted.
- 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) 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.

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<sup>i</sup> 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 781-934-5471 extension 5471 to discuss any proposed work. For further information please visit the Conservation Department page on the town website: <https://www.town.duxbury.ma.us/>

<sup>ii</sup> 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).

<sup>iii</sup> See Duxbury's "Tree and Shrub Replacement Guidelines"

<sup>iv</sup> See the Commission's Tree/Shrub Replacement Guidelines as a resource.