

Town of Duxbury Conservation Commission

Tree Removal Policy

Frequently Asked Questions

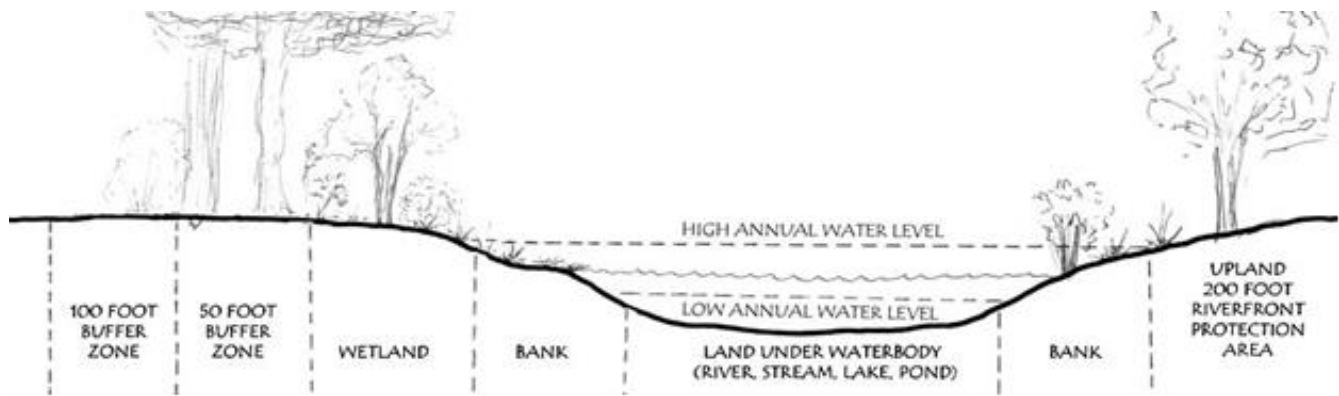
May 9, 2023

Property owners often request permission from the Duxbury Conservation Commission to remove unsafe or hazardous trees in or near wetlands. Therefore, the Commission developed a Tree Removal Policy to expedite the approval process for tree cutting requests and to provide consistent implementation.

What tree cutting projects must be reviewed and approved by the Commission?

The Duxbury Conservation Commission is a 7-member volunteer board responsible for administering the Massachusetts Wetlands Protection Act (WPA), regulations (310 CMR 10.00) and the Town of Duxbury Wetlands Protection Bylaw. Therefore, the Commission must review any tree cutting requests that are within the following Jurisdictional Areasⁱ (regardless of whether the jurisdictional area is currently lawn, landscaped, or natural):

- 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.



Why are trees that grow near wetlands important?

Trees 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.

How do I determine if a tree is within the Conservation Commission's Jurisdiction?

Wetlands, Riverfront Areas, and Buffer Zones often appear to be dry and are therefore difficult to identify. A GIS map of your property can be found on the Town's Website: <https://www.axisgis.com/DuxburyMA/>. Click the "Search" key and enter your address. Click on "Layers" and select "DEP Wetlands Map" to view the wetland data layer in and around your property. **Please Note:** the wetlands and streams shown on this map were created by different agencies over the years utilizing aerial photos and contour lines. It only shows the approximate

location of most wetlands and streams. Some wetlands/streams are entirely missing from this map. The only way to definitively know where wetland resource areas exist on your property is to hire a wetland scientist who will field verify where wetlands are based on soils, vegetation, and hydrology. All landowners are encouraged to contact the Conservation Office at Conservation@town.duxbury.ma.us or (781) 934-1100 extension 5471 to discuss any proposed work. We may have more accurate maps in the Conservation Office to assist with this determination.

What are the signs of a hazardous or unhealthy tree?

Some tree failures are unpredictable; however, most damages caused by failure can be prevented by properly inspecting trees around a property for defects. A tree is considered hazardous when it has been assessed and found to be likely to fail and cause an unacceptable degree of injury, damage, or disruption—that is, the tree poses a high or extreme risk. Please note that some trees may look completely healthy on the outside, yet still fail due to internal stress not visible to our eye.

- Is the tree leaning? If a tree is leaning toward your home, consider closer evaluation of the branches, leaves, trunk, roots and/or soil to make sure the tree is healthy and well anchored.
- Are there dead or broken branches and thin or missing leaves? Are there a lot of dead branches? Are they in the lower part of the tree or just on one side? If the answer is “yes” to any of these questions, your tree may be sick, imbalanced or possibly dying.
- Are there cavities or splits in the trunk, missing bark, or pockets of decay? If so, you may have an unhealthy tree on your hands. A crack or split in the tree trunk could be a sign the tree will fall or break apart at any moment. Missing bark is often a sign of a dead section of the tree, which can be caused by a surface wound, infection or fungus attack.
- Is there fungus near the tree's roots or trunk? Is the soil cracked and/or raised? If you see fungus on or near the tree's roots and/or trunk, the tree may be decayed. Decay will weaken the tree and make it more apt to fall. Consider contacting a certified arborist immediately if the tree is located near your home.
- Is the soil cracked and/or raised? Examining the soil around your tree can also give you an indication of the health of your tree. Cracked or raised soil may be a sign that the tree is in the process of uprooting, which is often the first step to a tree falling over.



What is the process for requesting permission to remove hazardous tree(s) near wetlands?

If you wish to remove hazardous trees from a jurisdictional area (even if the area is landscaped):

- Residents are asked to review the Tree Removal Policy.
- Fill out and submit the Tree Removal Application Form.

- Please submit an application form with an informal map or sketch that shows the location (if known) of existing Wetland Resource Areas (including Riverfront Area) and the 100-foot buffer zone, house, trees, and other relevant features; and the location of proposed trees to be cut (numbered in a way that can be cross-referenced with application). Conservation Staff can help prepare a map from our website: <https://www.axisgis.com/DuxburyMA/>
- Because of the importance of treesⁱⁱ to our town, this policy requires that landowners replace any trees removed. More information on tree replacement can be found in the Commission's Tree and Shrub Replacement Guide.
- Conservation Staff will perform a site visit.
- Many tree removal requests may be approved administratively by the Conservation Department Staff if no lawn expansion will result from the removal. Staff may approve the removal of up to five trees in jurisdictional areas. All other tree and vegetation removal requests are subject to formal review, which is described on the Conservation Commission's webpage at <https://www.town.duxbury.ma.us/conservation>.

What if my project involves non-hazard trees or other activities (i.e., lawn expansion)?

If tree removal or other proposed work in a Jurisdictional Area is beyond what Conservation staff are authorized to approve pursuant to this policy, such work 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 allows the activity.

What if I want to remove trees that are not near wetlands?

Certain properties have different restrictive zones, besides wetlands such as:

- Does your property have a Conservation Restriction which may restrict activities on certain portions of your property?
- Is the tree in question growing on the public right-of-way? If so, Department of Public Works must be notified.
- Did your property receive previous review and approval by the Planning Board? If so, you should check in with the Planning Department about any possible tree cutting restrictions.

ⁱ 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 Department to discuss any proposed work.

ⁱⁱ Duxbury enjoys an abundance of wildlife habitat, supporting a diversity of animals. An important part of the habitat is our beautiful native trees found in our forests and our yards. In addition to providing wildlife habitat, trees help reduce floods, stabilize soil and provide shade that contributes to healthy vegetation and clean water. Even dead trees provide habitat for cavity nesters and organic nutrients for soils. Residents wishing to remove trees near wetlands must contact the Conservation Commission for review and approval. To expedite the removal of unsafe trees, the Commission has created a Tree Removal Policy.