



CITY OF NEWBURYPORT
DEPARTMENT OF PUBLIC SERVICES
16A PERRY WAY
NEWBURYPORT, MA 01950

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CITY TREE PLAN

***THE POLICIES AND PROCEDURES
FOR THE
CARE, PRESERVATION, PRUNING, REPLANTING
AND
REMOVAL OF CITY TREES***

TREE REMOVAL POLICY AND PROCEDURES

Public trees are protected by *Massachusetts State Law Chapter 87* and *Newburyport City Ordinance Chapter 12 Article VI Trees and Shrubs*. Tree removal occurs when trees are dead, dying, diseased, or hazardous. We do not remove City trees without a valid reason. We do not remove trees because they drop leaves or acorns, because it has grown too large or shades your lawn, or because it is not conveniently located. We will remove trees that are determined to be hazardous.

In the context of state law, a hazard tree poses a threat to persons and/or property. A hazard tree is a standing tree, either live or dead, having defects, singly or combined, in roots, butt, bole, or limb, which predispose it to mechanical failure in whole, or in part, and which is so located that such failure has a probability of injury and damage to persons and property.¹

A hazard tree must meet three criteria²:

- 1. The tree is sufficiently large enough to cause damage should it fall;**
- 2. The tree has a target (that would be damaged should it fall);**
- 3. The tree has a condition that would make it likely to fall.**

Ultimately every tree will eventually fail; therefore, knowledge of each tree species, site characteristics, and local weather conditions is essential when evaluating tree hazards. The removal may be because the tree is a hazard, located too closely to proposed construction or is a nuisance to the public or because it has outlived its life expectancy.

A tree can be considered potentially hazardous if it is situated in an area frequented by people or is located adjacent to valuable facilities and has defects in roots, stem or branches that may cause a failure resulting in property damage, personal injury or death.³

The removal of healthy or non-hazardous public tree requires an advertised public hearing. If a city tree is declared by the Tree Warden to be an immediate hazard to the public, a hearing is not required.

Regardless the reason, no city tree in Newburyport can be removed without the approval of the Tree Warden.

If the tree meets the qualifications of a significant hazard the tree will be removed as soon as reasonably possible based on the condition of the tree and the priorities of the Department of Public Services.

If the tree is not a significant hazard the tree will not be authorized for removal by the Tree Warden. If the petitioner still wishes that the tree be removed a public tree removal hearing will be held in accordance with Massachusetts General Chapter 87 Section 3 and Section 4.

HAZARD TREE DETERMINATION

The health and safety of a tree can be two distinct and separate characteristics. A tree in poor health and severe decay in the trunk in most cases would be considered a significant hazard. However this same tree in the middle of an isolated area where it can not fall on someone or something of value (i.e. 'target') is not a significant hazard. On the other hand a tree can have a large lush crown with vigorous growth but have significant internal decay and structural problems. If located near a target, which the majority of trees in Newburyport are, this tree is a significant hazard.

¹ Peter Gaidula, California Dept. of Parks and Recreation from USDA website

² International Society of Arboriculture (ISA) website

³ Tree Hazards in Recreation Sites in British Columbia

In many cases, a tree may be developing a condition that would ultimately make it a hazard, but not imminently. In some cases, the entire tree may not be hazardous, but some maintenance work may be required. We will enter that work request into our workorder system and schedule the work within our priorities.

Significant Hazard - A tree that possesses structural defects or irreversible decline that may cause the tree or part of the tree to fall on someone or something of value, and is determined to be imminent or irreparable. Trees are to be evaluated for their hazard potential using industry accepted guidelines. Various organizations and agencies have published guidelines that are updated regularly. The City uses the guidelines established by the USDA Forest Service for hazard tree evaluation.

Process for Removal of Hazardous City Trees

The following outlines the process for the request to remove a Hazardous City tree:

1. An application for street tree removal must be filled out and filed with the Tree Warden.
2. The Tree will be inspected by a DPS staff member of the Department of Public Services.
3. The DPS staff member will then complete a workorder with their findings and refer it to the Tree Warden for a final determination.
4. Per Chapter 87 of Massachusetts General Law, a tree the is deemed a significant hazard and meets the qualifications will be removed as soon as reasonably possible based on the condition of the tree and the priorities of the Department of Public Services.

Process for Removal of Non Hazardous City Trees

The following outlines the process to request the removal of a City tree deemed non-hazardous:

1. An application for street tree removal must be filled out and filed with the Tree Warden.
2. The Tree will be inspected by a staff member of the Department of Public Services.
3. The DPS staff member will then complete a workorder with their findings and refer it to the Tree Warden for a final determination.
4. Per Chapter 87 of Massachusetts General Law a tree hearing will be held. If at or before the hearing an objection in writing is received by the Tree Warden than the tree can not be removed. In the event that this happens the applicant can either except the denial or make a request to the Mayor that it be removed.
5. The applicant must have all necessary permits from all other City agencies, including but not limited to the Building Inspector, Planning Board, and Dept of Public Services (Highway, Water, Sewer) where applicable.
6. If and when approval is granted for the removal of the tree, the applicant is required to pay for the removal of the City tree as required by Article VI Section 12-188 by a licensed, insured and bonded contractor approved by the Dept of Public Services.

7. The applicant must also pay for the replacement of the equivalent of the tree according to Article VI Sec 12-188.
 - a. *Street trees which are removed, damaged or destroyed shall be replaced with a nursery, city-approved tree species in quantity and size equal in value to trees removed. Minimum tree size shall be two-inch caliper. These trees shall be provided to the city to be planted in locations selected by the tree warden. Ex: A tree with a twenty-four-inch DBH (diameter at breast height), that is removed shall be replaced with a combination of trees that is equal or greater than twenty-four (24) inches.*
8. The planting of the trees will be executed during the next available planting cycle. Replacement trees shall be planted at locations determined by the Tree Warden, paying special attention to the area where the tree was removed.

Application for Removal of a Newburyport Public Tree

This form is for the request of removal of a hazardous or non-hazardous city tree.

1. **APPLICATION.** Petitioner/Requestor must complete attached application and submit it to DPS Tree Warden at 16A Perry Way Newburyport.
2. **HEARING DATE.** Once the completed application is received by DPS, a date will be scheduled for a hearing.
3. **LEGAL ADVERTISEMENT.** At the requestors' own expense, they must post a legal advertisement for two consecutive weeks in the Newburyport Daily News or the Newburyport Current. The NOTICE is to be published **NOT LESS THAN FOURTEEN (14) DAYS BEFORE THE HEARING.** The notice should appear for at least one day during each of the two weeks before the hearing date. The notice must appear at least two (2) days prior to and during the same week as the day of the hearing at or before the meeting, the petitioner will provide evidence of the postings – this is the notice page from the newspaper showing the notice and the dates of publication.
4. **POSTING THE TREE.** The tree itself will be posted in a conspicuous manner by the Tree Warden. The posting will include hearing information and must be in place for at least seven (7) days before the hearing date.
5. **PUBLIC POSTING.** Two (2) additional notices will be posted in public places in town; typically City Hall and the Public Library or determined by the Tree Warden or Tree Committee.
6. **THE HEARING.** The hearing may be convened by the tree warden or his deputy or the Tree Committee. Once there is a quorum of tree committee members present. The committee invites opinions from all interested residents who wish to speak to the issue. All written opinions are read aloud.
7. **THE VOTE.** The Tree Committee members may vote at the end of the hearing. Occasionally the vote may be delayed, e.g., the committee decides to tour the tree site again before voting. The final decision will be based on a 2/3 majority of the members. Tie votes may be overcome by a vote of the Tree Warden.
8. **DETERMINATION.** The petitioner will receive a copy of the completed form and the outcome of the vote (and any recommendations). A copy will also be available at the office of the Tree Warden located at the DPS Facility, 16A Perry Way or by calling 978-465-4463 within 48 business hours.

Application Instructions:

- 1. A separate form must be completed for EACH TREE for which removal is requested.**
- 2. BEFORE ANY WORK ON PUBLIC TREES MAY TAKE PLACE, THIS FORM MUST BE COMPLETED, A PUBLIC HEARING HELD, AND THE APPLICATION APPROVED AND SIGNED. This applies to all parks, streets, and other public areas.**
- 3. The applicant should fill out only the Application portion.**
- 4. Please consult the Massachusetts General Laws, Acts of 1899, Chapter 330, section 3 and Chapter 87 section 3 and 4.**
- 5. WHERE TO SEND THE APPLICATION. You may deliver the application to the Department of Public Services, 16A Perry Way, Newburyport, MA between 7:00 AM and 3:00 PM Monday - Friday**
- 6. MAP SKETCH: Please be sure to include a sketch showing the exact location of the tree to be removed.**
- 7. THE DATE OF THE HEARING will be determined AFTER the completed application has been received from the petitioner. The date will be set to allow for the timely publication of the notices of hearing and so as to allow the Tree Warden and Tree Committee experts to assess the tree(s) in question.**
- 8. Signatures of both the Tree Warden and a representative of the Tree Committee are required. Signatures may be obtained only after a public hearing has been held. The form must be signed by both the tree warden (or designate), and a representative of the city tree committee prior to any tree work taking place.**

THIS PAGE TO BE COMPLETED BY APPLICANT

PLEASE COMPLETE THE FOLLOWING AND SEND TO:

**Newburyport DPS
Attn: Tree Warden
16A Perry Way
Newburyport, MA 01950**

Requestor/Petitioner Information:

Date: _____

Name and/or Company

Mailing Address

Phone Number

Email Address

Reason for Request:

Date of Proposed Work: _____

Tree Information:

Address/Location of Tree: _____

Provide a map or drawing showing location to landmarks

Description of Location of Tree: _____

Species: _____ **Tree Size (Diameter at 4 feet above ground):** _____

Please provide photos of tree and immediate area

Are Utility Wires Present: YES NO

Potential Danger To Targets If The Tree Or Limbs Fell: (Circle all that apply)

Moving Traffic Parked Car Pedestrian Building Light Post

Other Comments: _____

The petitioner (you) must post a legal notice in the Newburyport Daily News or Newburyport Current. The legal notice must appear for two (2) consecutive weeks (one day each week) prior to the tree hearing.

<p>The petitioner pays for the advertisements and must submit proof of publication (copies with dates) at the hearing.</p>
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Below is an example of a legal notice format

LEGAL NOTICE

***City of Newburyport
Removal of Public Tree***

Pursuant to Massachusetts General Laws Chapter 87 Section 3 and 4, a public hearing will be held on _____(day) _____(month/day/year) at _____(time) in City Hall at 60 Pleasant Street, Newburyport to consider the removal of the following public tree:

Address: _____

Size:_____ ***Species:***_____

Reason for Removal: _____

The tree identified has been posted for public inspection. Any objections to the removal must be submitted in writing to the Tree Warden prior to or during the hearing. Any interested parties may attend or submit opinions in writing to Dept of Public Services, 16A Perry Way, Newburyport, MA 01950 Attn: Tree Warden

TO BE FILLED OUT BY THE TREE WARDEN

SPECIES _____

DIAMETER (4' above ground): _____

HAZARD POTENTIAL: **HIGH** **MEDIUM** **LOW**

COMMENTS:

CORRECTIVE MEASURES: **REMOVE DEFECTIVE PART** **CABLE/BRACE** **SHAPE**

DEADWOOD **THIN** **REDUCE CROWN** **RAISE CANOPY** **STRUCTURAL PRUNING**

MONITOR: **ROOT CROWN** **DECAY** **STRUCTURAL INTEGRITY** **PATHOGENS**

INSECTS **INSPECT FURTHER**

REMOVE TREE: **YES** **NO**

REPLACE: **YES** **NO**

TARGET: **YES** **NO**

MOVE TARGET: **YES** **NO**

Public Hearing Held: **YES** **NO**

Date of Hearing: _____

TREE PRUNING: **Approved** **Denied** **N/A**

TREE REMOVAL: **Approved** **Denied** **N/A**

COMMENTS:

Signature of Tree Warden: _____ **Date:** _____

Signature of Representative of Tree Commission: _____ **Date:** _____

NOTE: BOTH SIGNATURES ARE REQUIRED BEFORE REMOVAL MAY TAKE PLACE.