



DEPARTMENT OF PUBLIC SERVICES
CITY OF NEWBURYPORT

Public Tree Removal – Requirements and Process

Introduction

Removal of public trees in Newburyport is governed by the laws of the Commonwealth of Massachusetts Chapter 87; and the City's Code of Ordinances, Chapter 12, Article VI Protection of Public Trees (the Tree Ordinance). The provisions of the Tree Ordinance relating to removal of public trees are excerpted below.

12-195. Damage, Removal and Replacement of City-Owned Trees.

(c.) **Removal Hearing:** When the removal of one or more city-owned trees, assessed by the Tree Warden as being non-hazardous, is requested, the party making the request shall demonstrate the necessity of removal and show how the removal will benefit the City.

A hearing shall be held by the Tree Warden with the Tree Commission, which shall issue a recommendation to the Tree Warden regarding the removal and/or replacement of the Tree. After such hearing, and in consideration of the recommendation of the Tree Commission, the Tree Warden shall issue a decision with explanation regarding removal and/or replacement of the tree. The party requesting the tree removal shall be responsible for all costs associated with public notice prior to the hearing.

“Except as provided by section five [of Massachusetts General Laws, Chapter 87], public shade trees shall not be cut, trimmed or removed, in whole or in part, by any person other than the tree warden or his deputy, even if he be the owner of the fee in the land on which such tree is situated, except upon a permit in writing from said tree warden, nor shall they be cut down or removed by the tree warden or his deputy or other person without a public hearing and said tree warden or his deputy shall cause a notice of the time and place of such hearing thereof, which shall identify the size, type and location of the shade tree or trees to be cut down or removed, to be posted in two or more public places in the town and upon the tree at least seven days before such hearing and published in a newspaper of general circulation in the city or town once in each of two successive weeks, the first publication to be not less than seven days before the day of the hearing or if no such local newspaper exists then in accordance with the provisions of section six of chapter four [of Massachusetts General Laws].” (Excerpted from Massachusetts General Laws, Chapter 87, and Section 3.)

(d.) **Approval and Assignment of Costs:** Tree removal may occur only with the prior written approval of the Tree Warden. The requesting party shall incur the cost of removal, disposal, stump removal, as well as the costs of replacement, protection and maintenance of new plantings, as determined by the Tree Warden.

(e.) Public street or lawn shrubs which are removed, damaged or destroyed shall be replaced with a City approved shrub species of similar value and equal spread or height. The trees or shrubs shall be replaced at no cost to the City.

(f.) All trees and shrubs planted on public lands shall conform to the botanical names and standards of size, culture and quality adopted by the American Association of Nurserymen, Inc. in the American Standard for Nursery Stock.

12-196. Tree Valuation, Mitigation and Replacement Costs.

(a.) Required Replacement and/or Mitigation: No Public Tree may be removed without the prior written approval of the Tree Warden. The Tree Warden, in consultation with the Tree Commission, shall determine all tree values and replacement costs.

When Public Trees are damaged or destroyed by a private individual, corporation, public utility company, or contractor, as determined by the Tree Warden, the responsible party shall incur the cost of removal, replacement, and maintenance as provided for herein.

(b) Damage and Replacement:

Replacement costs as determined by the Tree Warden and Tree Commission shall take into account the ecological impact of the damage or loss as well as the trunk diameter (DBH) of the damaged or illegally removed tree(s). The Tree Warden shall determine a dollar value for the replacement(s) by determining the nursery price of the replacement trees in the upcoming planting season as described in (12-195 e) above plus the cost of delivery, planting, 5 years maintenance and 5 years guarantee based on quotes for such services by a landscape or tree contractor. Said contractor shall meet the city's qualifications for contracted service providers and shall plant trees in accordance with the city's written specifications. The removing party shall bear the costs of removal and disposal of the removed tree, the grinding of the stump and sidewalk/landscape repairs. The final decision of the valuation rests with the Tree Warden and the Mayor.

Public Trees which are removed, damaged or destroyed shall be replaced with a nursery-grown, City-approved tree species in quantity and size equal in value to tree(s) removed as determined and approved by the Tree Warden. Minimum tree size shall be two-inch caliper DBH. Such trees shall be planted in locations selected by the Tree Warden in consultation with the Tree Commission.

Example: 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 DBH. In this example, acceptable combinations for replacement of twenty-four-inch DBH tree could include:

1. eight three-inch caliper trees; or
2. ten 2 1/2-inch caliper trees; or
3. twelve two-inch caliper trees.

In lieu of planting Replacement Trees on the site an equivalent replacement value may be proposed. If accepted by the Tree Warden, the funds shall be deposited into the Newburyport Tree Committee Fund (Tree Commission Revolving Fund) for use by the Tree Commission for the planting and care of trees throughout the city as deemed necessary.