



**CITY OF EASTHAMPTON  
CONSERVATION COMMISSION**  
50 Payson Avenue, Easthampton, MA 01027  
[www.easthamptonma.gov](http://www.easthamptonma.gov)  
413-529-1400

**TREE CUTTING POLICY FOR LANDOWNERS  
UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT**  
*Adopted 2/14/2022*

**Tree Cutting Policy<sup>1</sup>:** No trees shall be cut/alterd from Wetland Resource Areas and/or Buffer Zones/Riverfront Areas (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 plants. Natural areas are those areas comprised predominantly of naturally occurring vegetation. Tree cutting/alteration includes but is not limited to: Full tree removal, pruning, trimming, and limb removal. The Conservation Commission has jurisdiction over the following areas (“Jurisdictional Areas”):

- Wetland Resource Areas - Defined as 100-year flood zones, wetlands, streams, ponds, and swamps.
- Riverfront Areas - Land within 200 feet of a perennial stream.
- Buffer Zones to Resource Areas - Land within 100 feet of a Wetland Resource Area.

**Purpose of this Policy:** This tree cutting policy was developed to expedite the tree cutting/altering approval process when a landowner believes a tree is a hazard<sup>2</sup> and would likely cause damage to a structure or maintained portion of their property (i.e. driveway, 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 Cutting. For tree cutting/altering 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 (driveway, etc.). All trees to be cut/alterd shall have been identified as hazardous by a certified arborist with an assessment by the certified arborist provided to the Conservation Commission. The arborist certification may be associated with either the International Society of Arboriculture or the Massachusetts Arborist Association.

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<sup>1</sup> This Policy is intended to cover only the cutting/alteration 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, etc.) 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 Agent at 413-529-1463 or [conservation@easthamptonma.gov](mailto:conservation@easthamptonma.gov) to discuss any proposed work.

<sup>2</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 (driveway, etc.).

B. **Criteria for Approval.** All trees to be cut/alterd shall be identified as hazardous by a certified arborist with an assessment by the certified arborist provided to the Conservation Commission. No more than five (5) trees shall be allowed to be cut/alterd via administrative approval by the Conservation Agent. As much of the trunk shall remain as is possible after removal of all hazardous portions (the remaining trunk will serve as potential snag habitat). Stumps within any Jurisdictional Area shall not be removed. Tree cutting/alteration shall be planned to take place when the ground is sufficiently stable. Either when it is frozen or during a particularly dry period. (Alternatively, mats/pads may be used as long as it will not require additional vegetation removal to install them.) All tree cutting equipment shall remain on landscaped or paved areas and outside of natural areas. Any trees proposed to be cut to ground level within any Wetland Resource Area shall be mitigated. The Commission and/or Conservation Agent may require Formal Conservation Commission Review/Approval despite all Criteria for Approval being met at their discretion.

**II. Trees Subject to this Policy.** Any tree located within a Jurisdictional Area to the Conservation Commission. Trees are categorized by size according to their diameter at breast height (DBH, or diameter at ~4.5 feet from the ground). Small trees are less than 12-inches DBH; Large trees are greater than 12-inches DBH.

**III. Application Requirements.**

A. **Application Form.** A landowner proposing to cut/alter one or more trees in a Jurisdictional Area shall file a "Tree Cutting Application Form" which includes the following information:

1. Size, species, and condition of each tree proposed to be cut/alterd.
2. Designation as hazardous by a certified arborist for the tree(s) proposed to be cut/alterd.
3. Whether the tree(s) are in a natural area or landscaped area.
4. Which Jurisdictional Areas the tree(s) are in and the distance from them.
4. The scope of work and the equipment to be used.

B. **Informal Map.** The landowner shall include, with the Tree Cutting Application Form, an informal map showing:

1. Existing Wetland Resource Areas, Riverfront Area, and/or the 100-foot Buffer Zone, any structures, other trees/tree line, and other relevant features; and
2. Proposed trees to be cut (numbered in a way that can be cross-referenced with the Tree Cutting Application Form).

C. **Site Visit.** The Conservation Agent and/or Conservation Commission shall perform a site visit.

**IV. Review and Approval Process.**

A. **Conservation Agent Administrative Review/Approval** - The Conservation Agent may administratively approve the cutting/alteration of up to five (5) trees within Jurisdictional Areas as described in this policy only if all Criteria for Approval are met (see I. Guiding

Principles (B)). The Conservation Agent/Conservation Commission may also require Formal Conservation Commission Review/Approval at their discretion.

- B. Formal Conservation Commission Review/Approval - If tree cutting/alteration in a Jurisdictional Area is proposed beyond what the Conservation Agent is authorized to approve pursuant to this policy, such cutting/alteration 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 cutting/alteration.

#### **V. Mitigation Requirements and Conditions.**

- A. Mitigation. The loss of trees cut in a Wetland Resource Area 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. All replacement trees shall:
1. Be planted as close to the cut tree as possible or closer to the wetland edge.
  2. Be a species native to Hampshire County according to the latest edition of "The Vascular Plants of Massachusetts: A County Checklist" with a diameter size of 1" or greater.
  3. Survive two growing seasons. Applicant/owner shall describe steps to be 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.