

WILMINGTON CONSERVATION COMMISSION

TREE REMOVAL POLICY

Approved July 6, 2016

Introduction

Under the Massachusetts Wetlands Protection Act, no one may “remove, fill, dredge, or alter” any of the land surface, water levels, or vegetation (trees, other plants) in wetland resource areas (streams, ponds, swamps, marshes), riverfront areas, or buffer zones (land within 100 Feet of a wetland) without obtaining a permit from the local Conservation Commission. Vista pruning, selective thinning of tree branches and understory shrubs is generally allowed as long as it is located 50 feet from the resource area.

The Wilmington Conservation Commission protects trees in and around wetlands due to their ecological value in reducing flood elevations, stabilizing soil, assisting nutrient uptake that improves water quality, providing habitat for wildlife, and providing shade that contributes to healthy vegetation, cooler air, and cooler water. Dead tree trunks and fallen trees provide habitat for cavity nesters and organic nutrients for soil.

In Case of Emergency: If a tree poses an immediate safety hazard, by virtue of a recent change in its condition and its proximity to a building, an area of habitual activity, power line, or similar, or as attested to in writing by a certified arborist and accompanied by photographs, permission to remove it may be granted by the Conservation Agent. Alternately, if a public agency declares that trees pose a danger to public health or safety, an Emergency Certification can be issued for the tree removal.

Request for Approval of Tree Removal (non-emergency) – Procedure

Tree removal in or around wetlands may be permitted if a healthy tree poses a possible threat or interferes substantially with the use of the property. A Request for Determination of Applicability (RDA) shall be filed with the Conservation Commission to request approval for tree removal in and around wetlands. The Commission may require replacement tree(s) be planted. The following information should be provided:

- Reason for the tree removal request (*e.g.*, poses a safety threat or interferes substantially with the landowner’s use of property);
- The Commission may request a certified arborist’s written assessment;
- An informal plan and photos showing tree size, type, and condition, whether the tree is located in a natural area, a landscaped area, or lawn area and approximate distance to wetland resource areas;
- Type of equipment to be used and location. Tree removal equipment should be located on landscaped or paved areas, avoiding natural areas;
- Whether the stump is proposed to be ground; whether the tree trunk and branches will remain or be removed; plans for lawn expansion, if any. Grinding of tree stumps should be limited to those in landscaped areas or outside the no disturb area to minimize disturbance to the wetlands.

Tree Replacement

Tree replacement shall be required at the discretion of the Commission on a case by case basis. Generally, the Commission requires the removal of trees greater than 10 inches in diameter (at 4 feet high) be replaced on a 1:1 basis with native deciduous shade trees (at least 1” caliper). The Commission may require a higher replacement ratio for the removal of large trees (greater than 24 inches at 4 feet high). Replacement trees generally shall be planted as close or closer to the resource area as the cut tree. Replacement trees must be installed in the appropriate planting season following tree removal. The applicant/owner must describe the steps that will be taken to maintain the tree for at least 24 months after the date that it is planted.

Wetland Resource Areas and Riverfront Areas may appear to be dry and thus be difficult to identify, so all landowners are encouraged to contact the Conservation Office at 978-658-8238 to discuss any proposed work.