

## Marlborough Conservation Commission Tree Removal Policy

As required by state law, all work including earth moving and vegetation removal within the 100' buffer zone to a wetland requires review by the Conservation Commission. However, there are circumstances where waiting for a hearing before the commission could cause a delay, which could cause a hazard or harm. In these situations, the Commission has authorized its Conservation Officer to allow for the removal of hazardous, dead or dying trees which may, if it fell cause damage to a home, shed, car or driveway or cause other harm and where prompt removal is recommended.

The following protocol must be followed by the Conservation Officer in determining if a tree within the 100' buffer zone is a hazard and can be removed, without filing a Request for Determination with the Conservation Commission:

1. The hazard tree must be wholly outside the wetland area, and only in the buffer zone.
2. The hazard tree must be leaning in such a way as to threaten a home, fence, driveway or other accessory structure to a home or building.
3. If the tree is dead or clearly dying it may be removed.
4. The Commission encourages the homeowner to leave a 10' -15' snag (removing the tree branches and leaving a 10'-15' tall trunk of the tree) if it will not cause damage if it falls. Snags are excellent habitat areas for bugs and birds and natural critters and are important to biodiversity. Where feasible, snags are highly encouraged.
5. Trees which have grown too close to the house or deck which overhang the house and whose branches could cause damage if they fell maybe removed.
6. Hazard trees whose root and trunk are IN the wetland proper will need a wetland permit. However, if the threat is imminent, the Conservation Officer may issue an emergency certificate (EC) for tree removal. The EC would then be reviewed at the next Conservation Commission meeting for ratification.
7. Tree trimming or branch removal also requires review to ensure that only problem branches are removed, and the tree canopy and function remain intact.
8. Where trees are removed if there are no young trees that will grow to fill the space, and where the entire canopy is removed, the Conservation Officer shall require the tree to be replaced with two trees that are 1 ½" – 2" caliper to restore shade and habitat function of the tree being removed. If more than one tree is being removed a 2:1 tree replacement may be required to restore the canopy. Tree species and size shall be approved by the Conservation Officer. Native trees are required. A list can be obtained from the Conservation Office.

If the Conservation Officer determines that the tree meets one of the criteria above, he/she shall confirm the following:

1. No machinery shall enter the wetland area to remove the tree (s).
2. In cases where machinery cannot reach the tree from an upland area, the tree will need to be removed by hand-held machinery. Branches and wood can be left in the buffer zone or removed from site as determined by the Conservation Officer.

Approved by Commission on May 19, 2016, amended on 2-27-2022