

City of Northampton, MA  
Thursday, February 6, 2020

## Chapter 350. Zoning

### § 350-12.3. Significant trees.

- A. Legislative findings and intent. The City of Northampton finds that significant trees enhance air quality, reduce noise, reduce energy costs, create habitat, enhance aesthetics and property values, and benefit City neighborhoods. The intent of this section is to encourage the preservation and protection of significant trees during development and redevelopment projects that require a site plan approval, special permit, comprehensive permit, finding, or variance (collectively "zoning relief").
- B. No person shall remove any significant tree associated with any site plan approval or any other zoning relief without a site plan approval from the Planning Board (if a site plan approval is otherwise required), or an administrative site plan approval from the Office of Planning and Sustainability if no site plan is otherwise required.
- C. The removal of any significant tree after July 1, 2015, or within 12 months immediately prior to such a site plan or zoning relief, whichever is later, shall be subject to this section.
- D. The requirements of this section shall not apply to:
- (1) Trees located on property under the jurisdiction of the Conservation Commission.
  - (2) City-owned public shade trees pursuant to MGL Chapter 87.
  - (3) Trees associated with emergency projects necessary for public safety, health and welfare as determined by the Building Commissioner, Director of Planning and Sustainability, or Director of Public Works.
  - (4) Trees that are hazardous due to disease, age, or shallow roots, as determined and confirmed in writing by a certified arborist and reviewed by the City's Tree Warden.
  - (5) Trees affected by work performed by a utility company in maintenance of its rights-of-way or in its maintenance, repair or replacement of infrastructure that is unrelated to a development project requiring zoning relief.
  - (6) Trees that are approved for removal through special permit by the Planning Board.
    - (a) The Board may grant a special permit if, after weighing the benefits of significant trees against other community benefits created as part of the project, it determines a waiver of tree replacement to be appropriate and if at least the following standards have been met:
      - [1] Trees are removed in order to create net zero energy buildings (for electric and thermal use) of up to 10,000 square feet and/or to install 10,000 square feet of ground-mounted PV panels; in addition to providing one or more community benefits, which may include:
        - [a] Affordable housing units where 50% or more of the units are deed-restricted for affordable housing as defined in this Chapter **350**.

[b] A project that results in permanently protected open space.

- (b) Building square footage shall apply to a single building footprint or to the aggregate of two or more buildings. In order to exercise a special permit granted under this section, applicants must present a building permit that has been issued for specific plans showing compliance with the net-zero standard and must construct in accordance with the special permit within one year of the issuance of a building permit. Planning Board special permit to grant a waiver from replacement within this provision is allowed only for the trees necessary to be removed in order to provide the solar access to the building(s) and/or panel array.
- E. Any person removing a significant tree that is subject to this section shall satisfy either of the following conditions:
- (1) Provide for replacement trees according to the following standards:
- (a) Replacement trees shall be noninvasive deciduous or coniferous trees (as defined by the City's Tree List and Planting Guidelines) planted on or off site, as approved as part of a site plan or administrative site plan, or on any City-owned property with approval by the Office of Planning and Sustainability, in consultation with the City Tree Warden, unless such trees are public shade trees as per MGL c. 87, § 1,. Replacements shall be calculated so that for each inch of diameter at breast height of the removed trees there shall be no less than 1/2 inch of caliper diameter of replacement trees.
- (b) Replacement trees shall have a minimum of one-inch caliper diameter.
- (c) Replacement trees shall be maintained in good health a minimum of 24 months after they are planted as confirmed by the City's Tree Warden. If replacement trees are not found to be in "good health" as determined by the Tree Warden, the trees shall be replaced as directed by the Warden.
- (d) Replacement trees shall either be approved street tree species as defined in the rules and regulations regarding subdivision of land or other trees that are hardy in all of the following USDA Plant Hardiness Zones: 6a, 6b, 7a, and 7b.
- (2) Pay funds to the City for a tree replacement fund account that, in the Planning Board's estimate, will allow the City to plant new public shade trees on City property in accordance with the above formula.
- F. Protection of significant trees during construction.
- (1) Any significant trees to be retained and any replacement trees on property where demolition and/or construction activity is planned shall be protected in an area shown on the approved site plan and should follow American National Standards Institute (ANSI) A300 standards for tree care practices.
- (2) The protected area shall exceed both the critical root zone and drip-line of each significant tree unless the Planning Board approves an alternate maintenance and tree protection plan submitted by a certified arborist.
- (3) A certified arborist shall submit a written letter to the Building Commissioner, Tree Warden and Office of Planning and Sustainability certifying that such area has been so protected in accordance with the site plan.
- G. Recordkeeping. The Department of Planning and Sustainability shall collect annual totals of the number and diameter at breast height measurements of significant trees preserved and replaced.