

**City of Northampton  
MASSACHUSETTS**

**In the Year Two Thousand Fifteen**

Upon the Recommendation of City Councilor Jesse M. Adams and City Councilor Ryan R. O'Donnell

**ORDINANCE**

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by amending section 350-2.1 and adding section 350-12.3 of said code; providing for standards for significant trees.

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows:

Section 1.

*That § 350-2.1 be amended by inserting the following definitions in alphabetical order:*

**CALIPER DIAMETER**

The diameter of a tree trunk of a new tree measured at 12 inches above the ground.

**CRITICAL ROOT ZONE (CRZ)**

The critical root zone (also known as essential root zone) is the portion of the diameter of a tree's root system that is the minimum necessary to maintain the stability and vitality of the tree. For the purposes of this section the critical root zone shall be calculated by using the following formula: the Diameter at Breast Height in inches multiplied by 24. For example, for a tree with a trunk diameter of 10 inches, the critical root zone would have a diameter of 20 feet.

**DIAMETER AT BREAST HEIGHT (DBH)**

The diameter of a tree trunk measured at 4.5 feet above the ground.

**DRIP LINE**

A circular area around a tree encompassing the tips of its outermost branches from which rainwater tends to drip.

**SIGNIFICANT TREES**

Any tree of 20 inches diameter breast height (DBH) or larger or any other tree specifically identified as a specimen tree on any Tree Inventory Plan adopted by the Planning Board.

## Section 2.

*That the following section be added to the Code of Ordinances after § 350-12.2:*

### § 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 ~~eighteen~~ twelve (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 M.G.L. 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.
  - ~~4.5. The section is not meant to regulate~~ 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.
- 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:
    - i. Replacement trees shall be non-invasive deciduous trees (as defined by the Planning Board) on or off-site, as approved as part of a site plan or administrative site plan, so that for each inch of Diameter at Breast Height of the removed trees there shall be no less than one-half inch of Caliper Diameter of replacement trees.
    - ii. Replacement trees shall have a minimum of two inch Caliper Diameter.
    - iii. 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.

- iv. Replacement trees shall either be Approved Street Tree Species as defined in ~~Section 290-38~~ 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 ~~city's~~ 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.