



**CITY OF NORTHAMPTON, MASSACHUSETTS
DEPARTMENT OF PUBLIC WORKS
125 Locust Street
Northampton, MA 01060**

**413-587-1570
Fax 413-587-1576**

Donna LaScalea
Director

Public Shade Tree Regulations

Public Shade Trees are protected by MGL Chapter 87 and are under the jurisdiction of the City of Northampton's Tree Warden, an employee of the City's Department of Public Works. Except as provided by specific approval of the Tree Warden, construction activities under the drip line of a Public Shade Tree are prohibited. Activities include, but are not limited to, trenching or grading, storage of materials or equipment, passage of heavy equipment and spillage of chemicals or other materials which may be damaging to trees. Do not trim or remove a Public Shade Tree without the expressed written consent of the Tree Warden. Remediation for any damage to a Public Shade Tree shall be managed by the City and all costs shall be billed to the party responsible for the damage.

Section I: Trench Permit Requirements for work within 50' of a Public Shade Tree

- A tree plan is required showing the location, species, size DBH (diameter at breast height) and condition of each Public Shade Tree as defined by MGL Chapter 87. Such plan shall indicate which Public Shade Tree(s) will be impacted by trimming, removal, root disturbance or other construction activities.
- A site plan is required showing the location of existing and proposed underground or overhead utility services, existing and proposed roadways, driveways, sidewalks, bikeways, walkways and parking areas in relation to the Public Shade Tree(s).
- Any proposed grade changes which might adversely affect or endanger any Public Shade Tree(s) shall require a statement prepared by a certified arborist explaining how each Public Shade Tree(s) shall be protected and maintained during and after construction activities.
- If the affected Public Shade Tree(s) are to remain during construction, a certified arborist must submit documentation proposing a method of protecting the Public Shade Tree(s) during the course of the construction. Such proposal shall be in accordance with the City of Northampton Tree List and Planting Guidelines (TLPG) and shall be approved by the Tree Warden prior to construction activities beginning. TLPG guidelines are available on the Tree Warden website: www.northamptonma.gov/1809

Section II: Trimming of Public Shade Tree(s)

If a Public Shade Tree(s) is to remain during construction, and trimming of the Tree(s) is required, the following requirement shall apply:

- All trimming of a Public Shade Tree(s) shall be completed by a certified arborist under the supervision and instruction of the Tree Warden. All costs shall be borne by the Applicant.

Section III: Excavation requiring root pruning or air spading of Public Shade Tree(s)

- The City's Tree Warden shall determine if root pruning or air spading of existing Public Shade Tree(s) will be required based on the area of excavation.
- If root pruning or air spading is required, such work shall be completed by a certified arborist under the supervision and instruction of the Tree Warden. All costs shall be borne by the Applicant.

Section IV: Public Shade Tree Hearings

There are four Public Shade Tree actions that are subject to a Public Shade Tree Hearing pursuant to MGL Chapter 87.

- (A)** The Public Shade Tree(s) to be disturbed or impacted will be relocated within the public right of way of the subject parcel.
- (B)** The Public Shade Tree(s) will be removed and replaced with the off-site planting of tree(s).
- (C)** The Public Shade Tree(s) removed will be mitigated by payment in lieu of planting replacement trees.
- (D)** The Public Shade Tree(s) removed will be mitigated by a combination of off-site planting and payment.

Requirements for Section IV, subsection A:

- The excavation(s) of the Public Shade Tree(s) to be relocated, the preparation of the planting location(s), the transportation and the replanting(s) shall be completed by a certified arborist under the supervision and instruction of the Tree Warden.
- The Public Shade Tree(s) shall be maintained for a period of two (2) years from the date of relocation(s).
- If the Public Shade Tree relocation(s) fails as determined by the Tree Warden, mitigation shall be required in accordance with Appendix B.
- All costs of relocation shall be borne by the Applicant, including the cost of the Public Shade Tree Hearing.

Requirements for Section IV, subsection B:

- Removal of Public Shade Tree(s) shall be completed by a certified arborist.
- Suitable replacement tree(s) shall be in accordance with the City's TLPG and shall be subject to approval by the Tree Warden.
- The number of replacement tree(s) shall be calculated in accordance with the chart in Appendix A.
- The replacement Public Shade Tree(s) shall be planted within one (1) year of removal(s) and maintained for a period of two (2) years from the date of planting(s).
- The person planting the tree(s) shall provide two business days' notice to the Tree Warden prior to planting(s) and the Tree Warden shall inspect the planting(s) prior to final backfill. The person planting the tree(s) shall provide documentation as to the date of planting(S) and file the same with the Tree Warden within three (3) days of the planting(s) of said replacement tree(s).
- If the Public Shade Tree planting(s) fails as determined by the City's Tree Warden, mitigation shall be required in accordance with Appendix B.
- All costs of removal(s) and planting(s) shall be borne by the Applicant, including the cost of the Public Shade Tree Hearing.

Requirements for Section IV, subsection C:

- Removal of Public Shade Tree(s) shall be completed by a certified arborist.
- The mitigation dollar value shall be calculated in accordance with the chart in Appendix B.
- All costs of removal(s) shall be borne by the Applicant, including the cost of the Public Shade Tree Hearing.

Requirements for Section IV, subsection D:

- Removal of the Public Shade Tree(s) shall be completed by a certified arborist.
- The Tree Warden shall calculate the combination of replacement trees and mitigation dollar value required in accordance with Appendices A and B.
- The replacement Public Shade Tree(s) shall be planted within one (1) year of removal and maintained for a period of two (2) years from the date of planting(s).
- The person planting the tree(s) shall provide notice of at least two (2) business days to the Tree Warden prior to planting(s) and the Tree Warden shall inspect the planting(s) prior to final backfill. Documentation of planting date shall be submitted to the Tree Warden within three (3) business days of completion of the planting(s).
- If the Public Shade Tree planting(s) fails as determined by the Tree Warden, mitigation shall be required in accordance with Appendix B.
- All costs of removal(s) and planting(s) shall be borne by the Applicant, including the cost of the Public Shade Tree Hearing.