



TOWN OF FOXBOROUGH CONSERVATION COMMISSION

CONSERVATION DEPARTMENT
TOWN HALL, 40 SOUTH STREET
FOXBOROUGH, MA 02035
508-543-1251

HAZARDOUS TREE REMOVAL AND MITIGATION GUIDELINE / POLICY

Adopted by Foxborough Conservation Commission, December 13, 2021

Property owners often ask the Conservation Department for approval to remove tree(s) within a wetland or upland Jurisdictional Area. In order to create a simplified process for the removal of a hazardous tree, the Commission has developed this Tree Removal and Mitigation Guideline for the Agent to implement.

Please Note: This policy only applies to trees in Jurisdictional Areas that have been determined to be hazardous by a professional arborist, accredited by the Tree Care Industry Association (TCIA); it does not apply to tree removal for any other reason.

WHY PROTECT TREES? Trees provide many critical (and free) environmental benefits, including:

- Providing oxygen and cleaning the air we breathe by absorbing pollutant gases;
- Helping to prevent water pollution by reducing stormwater runoff and filtering water, while recharging groundwater supplies;
- Helping to prevent soil erosion and water pollution; the shade provided by trees saves energy costs and cools the environment by up to 10°;
- Shielding our skin from harmful ultra-violet rays; trees can also raise property values by up to 15%.
- Providing food, shelter and habitat for wildlife (even after the tree has died); and
- Combating climate change by absorbing CO₂ and storing carbon.

JURISDICTIONAL AREAS

Unless a property owner has a valid wetlands permit (i.e. Determination or Order of Conditions) that was issued by the Conservation Commission, he/she may not alter, clear, fill, cut, grade, build or dump (not even leaves, grass clippings, dirt or swimming pool water) within the following Jurisdictional Areas:

- No Activity Zones (NAZ) ~ Foxborough's Wetlands Protection Bylaw requires a strict standard of review for areas that are located within (a) 25 feet of a bank (for ponds/lakes/streams) or bordering vegetated wetland, and (b) within 100 feet of a vernal pool;
- 100-Foot Buffer Zone ~ the upland areas that are located within 100 feet of a Wetland Resource Area;
- Wetland Resource Areas ~ include swamps, streams, ponds, land subject to flooding, wet meadows and vernal pools; and/or
- Riverfront Area ~ the upland areas that are located within 200 feet of a year-round river/stream.

Property owners are encouraged to contact the Conservation Department to discuss how they should proceed with any projects that are proposed in a Jurisdictional Area. Also, since some Wetland Resource Areas may appear dry during certain times of the year and are difficult to identify, a Professional Wetland Scientist may be required to identify (flag/delineate) a property's Jurisdictional Areas.

GUIDELINE / POLICY

No trees may be cut in any Jurisdictional Area without prior review and approval by the Conservation Agent and/or Conservation Commission. This policy applies to all Jurisdictional Areas, whether landscaped or natural. The term "Landscaped" includes areas that were man-made and are currently managed, such as lawn areas. Natural areas are mainly comprised of naturally occurring vegetation.

Mitigation. In order to minimize environmental impacts that may be caused by the removal of a tree within Jurisdictional Areas, the Commission *may* require mitigation plantings.

Enforcement. The Conservation Commission has the authority to enforce the Wetlands Protection Act (M.G.L. Ch. 131 § 40) and the Foxborough Wetlands Protection Bylaw (Ch. 267).

REQUEST TO REMOVE A HAZARDOUS TREE IN FOXBOROUGH

Please Submit Completed Form to jpierce@foxboroughma.gov

A. **Property Address:** _____, **Foxborough**

Property Owner: _____

Email Address: _____ **Phone Number:** _____

TCIA Accredited Arborist: _____

Business Name & Address: _____

Email Address: _____ **Phone Number:** _____

B. **HAZARDOUS TREE**

Species of Tree	DBH, in inches	Distance to Wetlands, in feet	Tree Location: Landscaped or Natural?

****Please ensure that the tree that is proposed for removal is clearly marked and easily identifiable****

C. **REASON FOR REQUEST** *(This request will be considered incomplete if this section is not completed.)*

D. **MITIGATION PLANTING(S)**

When a tree is removed, the Conservation Commission or their Agent may require mitigation planting(s), which may include planting several native shrubs and/or a native tree to restore part of the property's 25' NAZ. The Conservation Agent has the discretionary authority to determine the appropriate mitigation, i.e. the number and species of tree(s) and or shrub(s) to plant in the 25' NAZ.

E. **CERTIFICATION**

1. I hereby certify that I am a professional arborist, accredited by the Tree Care Industry Association (TCIA), and have determined that the above-referenced tree is hazardous.

Arborist's Signature

Date

2. I hereby certify that I will comply with the recommended mitigation, specified by the Conservation Agent, after she has visited my property to observe the hazardous tree.

Property Owner's Signature

Date

F. **AGENT'S DETERMINATION / MITIGATION REQUIREMENT**

Hazardous Tree Removal: Approved ____ Denied ____

Mitigation: _____

Conservation Agent's Signature

Date