

DRAFT
Marblehead Conservation Commission
Tree removal and maintenance regulation

1. Scope. This Section XX.XX provides standards for removal and replacement of trees with a diameter of 4" or greater and applies only to such trees 4" or greater in diameter. This Section XX.XX does not reduce, enlarge or otherwise affect any other requirements under 310 CMR 10.00, Chapter 194, the Marblehead Wetlands Protection Bylaws, the Wetlands Protection Bylaw Regulations or any other provision of law, including but not limited to the alteration, removal, cutting or planting of trees, brush, bushes, shrubs or any other vegetation.
2. Required Support for Cutting or Trimming
 - A. The acceptance of a detailed report of a qualified arborist subject to this Section is required prior to the Commission authorizing the removal of a tree unless the existing damage, disease or potential falling of the tree is determined to justify removal upon in-person inspection by the Conversation Agent. The report of the qualified arborist shall provide justification for removal of a tree subject to this Section only on the grounds of human health, public safety, or damage to the environment.
 - B. To trim, prune, or alter a tree, the proposed trimming must be adequately defined and limited to insure that the trimming, pruning or alteration will not cause any risk to the health or survival of the tree. Trimming shall be limited to dead or diseased branches, or branches that create an immediate threat to public safety. A report of a qualified arborist is required prior to the Commission allowing any trimming, pruning or alteration unless the existing damage, disease or potential falling of the tree is determined to justify trimming, pruning or alteration upon in-person inspection by the Conversation Agent. The Commission may require mitigation for any trimming, pruning, or alteration authorized by this Section, including but not limited to ordering the planting of a replacement tree or trees.
3. In kind replacement of trees to be replaced.
 - A. If a tree is removed from a resource area or the applicable buffer zone pursuant to Sections XX.XX [2.A], Commission approval of a plan for replacement trees in similar resource zone or buffer zone areas shall be required consistent with this Section.
 - B. Replacement trees shall be of a native species capable of achieving a similar height and diameter to the trees removed.
 - C. Replacement trees that do not survive for four years shall be promptly replaced.
 - D. The following guidelines for replacement trees shall govern:

Removed Tree Diameter	Replacement Tree(s)
4 to 8" diameter	2X trees, at least 2"
9 to 12" diameter	3x trees, at least 2"
13 to 20 diameter	4x trees, at least 2"
21 to 30" diameter	5x trees, at least 2"
31' and more diameter	6x trees. At least 2"

- E. Notwithstanding anything to the contrary in this Section, where a tree is removed from a coastal bank, slope, or hillside above a resource area, the report of a qualified engineer must identify mitigation measures to prevent any erosion of the coastal bank, slope or hillside to the satisfaction of the Commission.
4. Trees felled in conservation areas, generally due to threats to private property, or to persons using conservation areas, shall be left on the ground for the benefit of wildlife. The exact positioning shall be subject to the direction of the Conservation Agent, to avoid blocking existing trails, to avoid causing erosion, or to help prevent erosion.
 5. Prior to authorizing any removal, trimming, pruning or alteration consistent with this Section XX.XX, or after the approval of the Conservation Agent in the case of trees removed, trimmed, pruned or altered under Section XX.XX [2.A] and XX.XX [2.B], a detailed planting plan must be approved by the Commission, at minimum, showing the specific location of all trees proposed to be removed, trimmed, pruned or altered, the species and diameter and specific location of all replacement trees, a nourishment plan demonstrating that all new plantings will survive for more than four years.
 6. The Commission may grant waivers from this Section, including but not limited to where invasive tree species are proposed to be removed and trees heavily damaged in storms or other weather events are proposed to be removed.