

Town of Westwood Conservation Commission Tree and Plant Removal Guidelines

Trees are an important part of Westwood's visual landscape and stormwater management, and provide cleaner air, shadier streets, and habitat for birds, pollinators, and other wildlife. The shade produced by trees in the summer reduces temperatures in the Town and can reduce energy usage and air conditioning costs, which are important factors to a Green Community. With respect to wetland functions and values, trees provide shade that maintains a favorable microclimate for wetland plants, reptiles and amphibians, and insects. Trees provide wildlife habitat features which include food, shelter, nesting habitat, migratory habitat, and perching habitat (for predatory and insect-eating birds). Dead limbs and hollow trunks provide cavities which may be used by small mammals and birds for nests, dens, or shelter. The leaves shed by deciduous trees in the fall provide a valuable source of nutrients and organic matter that support the texture and fertility of soils.

The Conservation Commission recommends that plans avoid removal of large trees (at least 12" DBH). The Conservation Commission presumes that large trees in particular are significant to preventing stormwater runoff and maintaining wetland and adjacent upland resource area functions. As such, the Commission may require, at its discretion, preservation of any large tree, or where an applicant may have no viable alternative to preservation of a large tree, additional mitigative actions (including tree replacement at a higher rate or higher caliper) for removal of a large tree. Likewise, the Conservation Commission may, at its discretion, provide additional flexibility to applicants who demonstrate a conscientious effort to avoid removal of large trees.

In recognition of these important values, the Town of Westwood Conservation Commission adopted the following Guidelines on Tree and Plant Removal by vote on **DATE: April 24, 2024**

Purpose: The mandate of the Town of Westwood Conservation Commission is to protect wetlands and adjoining land areas in the Town of Westwood, including preserving trees and shrubs within its jurisdictional areas. These guidelines also provide residents, developers, and landscapers with native plant lists to preserve our environment by incorporating more sustainable landscapes in our town.

These guidelines define what new or replacement plantings may be required following land disturbance, including when a landowner is seeking permission to remove trees or shrubs from their property. Removals without permission shall constitute a violation and will be subject to penalties at the discretion of the Conservation Commission.

These guidelines have been developed to provide a consistent approach to tree removal and replacement to protect the natural spaces in Westwood, and the wetland functions and values provided by trees within wetlands, floodplains, buffer zones, or riverfront areas. In certain cases, the Conservation Commission and / or its staff may exercise their discretion in the application of these guidelines in jurisdictional areas, including adding or modifying requirements based on the particular characteristics of a project, proposed activity, or violation.

Scope: The guidelines apply to all land and activities under the jurisdiction of the Conservation Commission pursuant to their authority under the Massachusetts Wetlands Protection Act (Massachusetts General Law c.131, 40) and Regulations (310 CMR 10.00,

<https://www.mass.gov/regulations/310-CMR-1000-wetlands-protection-act-regulations>); Town of Westwood Wetlands Protection Bylaw (Chapter 392, <https://ecode360.com/13018625>) and Regulations (<https://www.townhall.westwood.ma.us/departments/community-economic-development/conservation-stormwater-management-division/conservation-bylaws-rules-regulations>); Town of Westwood Stormwater Management Bylaw, Chapter 350 of the general bylaw (<https://ecode360.com/13018482#13018482>); and the Town of Westwood Stormwater Management Regulations (<https://www.townhall.westwood.ma.us/home/showpublisheddocument/30840/638448175993730000>).

Definitions:

No Disturbance Zone or **No Disturb Zone** or **No Disturbance Area** shall refer to the area bordering wetlands resource areas within which any activity undertaken is presumed to alter that resource area, pursuant to the Town of Westwood's Wetlands Protection Bylaws and Regulations. This includes the entire area within a 35-foot boundary of any wetland resource area (or a 10-foot boundary for excepted parcels as denoted by the Town of Westwood Wetlands Protection Bylaw, § 392-3C, <https://ecode360.com/13018633>). The No Disturbance Zone is equivalent to the inner 35 (or 10) feet of the 100-foot wetland buffer zone.

Inner Riparian Zone (or Area) shall refer the area of land between a river's or perennial stream's mean annual high-water line measured horizontally outward from the river (or stream) and a parallel line located 100 feet away.

Outer Riparian Zone (or Area) shall refer the area of land between the parallel lines located 100 feet away and 200 feet away of a river's or perennial stream's mean annual high-water line measured horizontally outward from the river (or stream).

Reviews: The Westwood Conservation Commission is by law required to review any work pursuant to their authority under the regulations specified in the Scope section.

Review and approval are required for:

- Removal of any tree or shrub within:
 - A Resource Area as protected in the Massachusetts Wetlands Protection Act, and
 - A Resource Area as protected in the Town of Westwood Wetlands Protection Bylaw, and
 - Land within 100 feet of any of the Resource Areas, and
 - Areas within 200 feet of any perennial streams or rivers.
- Land disturbance of greater than 5,000 square feet, or
- Other project as considered under Conservation Commission jurisdiction.

A. Any tree removal within Wetland Resource Areas including Inner Riparian and the 35 Foot No Disturbance Zone:

The Conservation Commission does not condone the removal of trees from Resource Areas and the No Disturb Zone, with the exception of approved removal of invasive species (see Appendix). The Commission requires the filing of a Notice of Intent application for removal of any vegetation, including trees, to be removed from:

- Inside the boundary of the wetland Resource Area

- Inner riparian areas defined by the Wetlands Protection Act
- Within the Town of Westwood 35 Foot No Disturbance Area.

Diseased, Damaged, Hazard and Dead Tree Removal: if a removal is requested on the basis of a diseased, damaged, or hazard tree, to determine the health status of a tree, the applicant shall retain the services of an ISA or Massachusetts Certified Arborist to assess the health status of each tree to be removed and to provide a signed memorandum describing the tree condition. This memorandum must be included as part of the application. An Arborist's letter may not be required in the event that the Conservation Agent has determined the tree is dead. At the Conservation Commission's discretion, the applicant may be required to retain a stump at least 6 feet high ("snag") when a diseased, damaged, dead, or hazardous tree, 6 inches or greater in diameter at breast height, is removed.

Property owners wishing to remove trees that are not imminent threats and show no signs of being compromised will be required to submit a restoration planting plan to preserve and enhance the wetland and adjacent upland values and functions. The replacement trees must be at a ratio of 2:1 (two new trees for each one tree removed) replacement and a minimum 3-inch caliper.

B. Removal of fewer than five (5) trees outside of Wetland Resource Areas but within jurisdictional buffer zone or outer riparian zone (200 feet):

Lands within 100 feet of Wetland Resource Areas (200 feet in the case of rivers and perennial streams), also known as the buffer zone, are presumed important to the protection of wetland resources because activities undertaken in close proximity to Resource Areas have a high likelihood of adverse impact upon those Resource Areas.

If no other work is proposed other than tree removal and all work is outside the inner riparian zone and the Wetland Resource Area and the 35 Foot No Disturbance Zone but inside the 100 Foot Buffer Zone or outer riparian zone and the project will remove fewer than five (5) trees of any size, no permit is required by the Conservation Commission. However, a [Request for Determination](#) must be submitted to the Conservation Office and be on file before work can be started. For the purpose of these Guidelines, tree removal requests are good for three years and all trees 4" diameter at breast height (DBH) or greater requested to be removed within a three-year period are to be considered one project.

Removed trees (with approval) shall be replaced at a ratio of 2:1 (two new trees for each one tree removed) with a minimum 3" caliper.

C. Removal of five (5) or more trees outside of Wetland Resource Areas but within jurisdictional buffer zone or outer riparian zone (200 feet):

Lands within 100 feet of Wetland Resource Areas (200 feet in the case of rivers and perennial streams), also known as the buffer zone, are presumed important to the protection of wetland resources because activities undertaken in close proximity to Resource Areas have a high likelihood of adverse impact upon those Resource Areas.

For any work proposing removal of five (5) or more trees of any size outside the inner riparian zone and the Wetland Resource Area and the 35 Foot No Disturbance Zone, but inside the 100

Foot Buffer Zone or outer riparian zone, a permit will be required by the Conservation Commission. A [Notice of Intent](#) with a site plan must be submitted to the Conservation Office.

Removed trees (with approval) shall be replaced at a ratio of 2:1 (two new trees for each one tree removed) with a minimum 3" caliper.

In no case shall more than 50% of the tree cover be removed within the 100 Foot Buffer Zone but outside the No Disturbance Zone except in cases of hardship where the applicant can demonstrate that no reasonable alternative exists.

In the case of lots where the buffer zone has previously been altered, the Commission may require mitigation in the form of plantings to enhance an existing vegetated buffer or to create additional vegetated buffer before allowing any further alteration in any part of the buffer zone.

D. Pruning outside of Wetland Resource Areas but within jurisdictional buffer zone:

Property owners may prune/trim tree branches directly overhanging existing lawns, utility lines, child's play area, driveways, and/or dwellings without a permit.

E. Land Disturbance of over 5,000 square feet (per Stormwater Bylaw)

As part of an application for either an [Administrative Land Disturbance Review](#) or a [Land Disturbance Permit](#), the number of trees to be removed must be documented. The Conservation Commission will require the applicant to replace trees that were removed with the following criteria:

- One to one replacement with consideration for the size (DBH) of trees removed, or
- One tree per 400 square feet of disturbance

The Commission may consider requiring alternate conditions in extenuating circumstances.

F. Land not within the jurisdiction of the Conservation Commission

For land outside its jurisdiction, the Conservation Commission has several recommendations:

- All plantings should be native species, including but not limited to the list included in the Appendix, and are encouraged to be pollinator-friendly species.
- Invasive species should be immediately removed, including but not limited to: Asiatic bittersweet, Japanese knotweed, mile-a-minute, and other plants listed by the Massachusetts Invasive Plant Advisory Group (<https://massnrc.org/mipag/>).
- Autumn leaves should be left undisturbed, as they provide habitat for overwintering bees, butterflies and moths, and other native species, and return nutrients to the soil.

Note: If a tree is of immediate threat to health and safety but requires approval for removal based on this Policy, please contact the Conservation Agent or their designee to request an Emergency Certification from the Commission for permission to remove the tree. An ISA or Massachusetts Certified Arborist may be required to assess the health status of each tree and deem it an immediate threat for the issuance of an Emergency Certification. If granted a MA WPA Emergency Certification, all work must be completed within thirty (30) days of issuance.

Replacement Plantings and New Plantings: Plantings shall be chosen from the list in the Appendix unless a native alternative species is expressly approved by the Conservation Commission.

The quantity and size of replacement plantings shall be determined following the guidelines above. On a project-by-project basis, the Commission may allow the replacement of an appropriate number of trees with high wildlife value native shrubs at a ratio no less than four (4) shrubs for each tree removed.

The attached Appendix provides guidance on the types of tree and shrub species that are acceptable. Other native plants may be proposed beyond those listed in this document. Any proposed trees, shrubs, or plants are subject to review by the Conservation Commission and must obtain final approval from the Conservation Commission.

Replacement plantings shall be as close to the area of the trees to be removed as practicable, and/or in areas that will provide the highest environmental benefit and wildlife habitat value, and may be in landscaped areas. Replacement planting must occur no later than 6 months after completion of construction. Tree and shrub plantings must survive two growing seasons to be accepted as complying with this section. Plantings that do not survive after two growing seasons shall be replaced with an identical size and variety of the original planting.

Violations: Any unpermitted work within areas jurisdictional to the Commission, including removal of trees without prior approval as listed above, may be subject to fines of \$300 per day per violation per Town of Westwood Wetland Protection Bylaw.

Possible penalties include but are not limited to: Tree replacement may be required at a rate of at least double what otherwise might be expected, or a comparable financial contribution to a designated tree fund, to be used at the discretion of the Conservation Commission.

This Policy is intended to cover only the removal of trees. Other vegetation removal requests within the Commission's jurisdiction, such as cutting trees that are less than 4" in diameter, shrubs, and native groundcover must be reviewed and approved by the Commission. Please contact the Conservation Office for more information regarding removal of these plants.

APPENDIX
Town of Westwood Conservation Commission
Guidelines for Trees and Plants Native to New England

The Value of Native Plants

Native plants are those that have evolved with local wildlife in a region over thousands of years along with the local environmental conditions. Our ecosystems benefit from native plants by stabilizing soils, filtering water, purifying air and supporting wildlife. Insects, birds, and mammals depend on native plants for food, cover, and nesting sites.

Native plants are more sustainable than the often familiar "exotics" found in most home landscapes. They are more resilient to extremes in weather. There is also a great variety of native plants that are beautiful and suitable for many different garden conditions.

Protecting Pollinators

Pollinators provide critical services needed for agricultural and natural ecosystems in order to ensure the sustainability and biodiversity of our environment. However, pollinator populations (especially native bees and butterflies) have been declining steadily due to habitat loss, pesticide use, and climate change. Property owners can play an important part in supporting pollinators by maintaining, enhancing, and/or increasing pollinator habitat on their property. The key to thinking about pollinator habitat is considering plants that provide food, water and shelter to meet the needs of all pollinators. Native plants tend to support more diverse pollinator groups while also being drought tolerant and requiring less management than those with non-native plantings.

Recommended Native Trees

Lowland Areas	Upland Areas
<ul style="list-style-type: none"> • <i>Acer rubrum</i> (red maple) • <i>Acer saccharoides</i> (silver maple) • <i>Betula lenta</i> (sweet/black birch) • <i>Betula nigra</i> (river birch) • <i>Betula populifolia</i> (gray birch) • <i>Chamoecyparis thyoides</i> (Atlantic white cedar) • <i>Nyssa sylvatica</i> (tupelo, black gum) • <i>Quercus bicolor</i> (swamp white oak) • <i>Quercus macrocarpa</i> (bur oak) • <i>Larix laricina</i> (Tamarack) • <i>Fraxinus pennsylvanica</i> (green ash) 	<ul style="list-style-type: none"> • <i>Acer saccharum</i> (sugar maple) • <i>Betula papyrifera</i> (paper birch) • <i>Fagus grandifolia</i> (American beech) • <i>Juniperus virginiana</i> (eastern red cedar) • <i>Liriodendron tulipifera</i> (tulip tree) • <i>Pinus strobus</i> (white pine) • <i>Platanus occidentalis</i> (sycamore) • <i>Prunus serotina</i> (black cherry) • <i>Quercus alba</i> (white oak) • <i>Quercus coccinea</i> (scarlet oak) • <i>Quercus palustris</i> (pin oak) • <i>Quercus rubra</i> (red oak) • <i>Quercus velutina</i> (black oak) • <i>Tilia americana</i> (basswood)

Native Pollinator Trees

- *Amelanchier laevis* (Allegheny serviceberry)
- *Carpinus caroliniana* ssp. *virginiana* (American hornbeam, musclewood, blue beech)
- *Nyssa sylvatica* (black gum, tupelo)
- *Cercis canadensis* (Eastern redbud)
- *Cornus florida* (flowering dogwood)
- *Betula papyrifera* (paper birch)
- *Acer rubrum* (red maple, swamp maple)
- *Quercus rubra* (red oak, northern red oak, champion oak)
- *Oxydendrum aboreum* (sourwood)
- *Rhus typhina* (staghorn sumac, cut leaf sumac)
- *Acer saccharum* (sugar maple)
- *Quercus bicolor* (swamp white oak)
- *Magnolia virginiana* (sweetbay magnolia)
- *Liriodendron tulipifera* (tulip tree, American tulip tree, tulip poplar)

High Wildlife Value Shrubs

Lowland Areas	Upland Areas
<ul style="list-style-type: none"> • <i>Alnus incana</i> (rugosa) (speckled alder) • <i>Clethra alnifolia</i> (sweet pepperbush) • <i>Swida amomum</i> (Silky dogwood) • <i>Ilex verticillata</i> (winterberry holly) • <i>Salix discolor</i> (pussy willow) • <i>Vaccinium corymbosum</i> (highbush blueberry) • <i>Viburnum dentatum</i> (northern arrowwood) 	<ul style="list-style-type: none"> • <i>Amelanchier</i> spp. (serviceberry) • <i>Swida alternifolia</i> (alternate-leaved dogwood) • <i>Cornus racemosa</i> (gray dogwood) • <i>Corylus americana</i> (American hazelnut) • <i>Hamamelis virginiana</i> (witch hazel) • <i>Photinia melanocarpa</i> (black chokeberry) • <i>Viburnum opulus</i> (highbush cranberry)

Invasive Species

Please refer to the list maintained by the Massachusetts Invasive Plants Advisory Group at https://massnrc.org/mipag/speciesreviewed_category.htm.

Additional Resources

[MDAR Native Pollinator Plant Database \(massnrc.org\)](https://massnrc.org/mipag/speciesreviewed_category.htm)

[University of Massachusetts Urban tree list](#)

[Massachusetts Dept of Agriculture - Native Pollinator Plant Database](#)