

**WEST NEWBURY TREE COMMITTEE**  
**GUIDANCE FOR SCENIC ROAD TREES ON PUBLIC RIGHTS OF WAY**  
**(approved November 4, 2020)**

**A. Purpose**

1. The purpose of this West Newbury Tree Committee guidance is to specify best management practices (“BMPs”) and procedures related to the care, removal, and replacement of trees located on public rights of way on all roads in West Newbury that are subject to the Scenic Road laws of the State of Massachusetts, Mass. Gen. Laws, Part I, Title VII, Ch. 40, Section 15C (“Scenic Road laws”).
2. This guidance is also to assist the Town Tree Warden, other Town officials and Boards, and West Newbury property owners and residents to address potential issues related to these trees and to clarify the rights and responsibilities that will improve implementation of the Scenic Road laws.
3. Nothing in this guidance should be read or interpreted as:
  - (a) affecting the tree-trimming authority of utility companies on public roads, or
  - (b) amending any provisions of Mass. Gen. Laws, Part I, Title VII, Ch. 40, Section 15C.

**B. Scope**

1. This guidance applies to any tree that is located on the public right of way on a scenic road in West Newbury and that is:
  - (a) a deciduous or coniferous plant species with a single, central stem of greater than four inches (4”) in DBH diameter, except as otherwise provided in subsections (b)-(d) below; or
  - (b) a High Hazard tree; or
  - (c) a High Value tree.
2. This guidance does not apply to shrubs or vines.

**B. Definitions**

1. **Committee:** The West Newbury Tree Committee.
2. **Diameter at Breast Height (DBH):** A standard tree measurement to determine the circumference of the tree trunk typically defined as four and a half feet (4.5’) above average ground level at the base of the tree trunk.
3. **High Hazard Tree:** Any tree subject to this guidance that has:
  - (a) permanently lost 40% or more of its crown;

- (b) an infestation of insect pests or other harmful biological organisms (e.g., cankers, fungi, rusts) that threaten the survival of the tree within the succeeding two (2) years;
  - (c) has overhanging branches that, if left unaddressed, present a safety hazard to pedestrians and automobile traffic on the roadway; or
  - (d) any tree that has otherwise been determined by the Town Tree Warden to present a high hazard due to factors including, but not limited to, decayed wood, vertical or horizontal cracks, instability due to excessive leaning, root damage or decay, stem girdling roots, weak branch unions, or poor architecture with a high risk of failure.
4. **High Value Tree:** Any tree subject to this guidance that has:
- (a) a DBH of three feet (3') or a circumference greater than one hundred thirteen inches (113"), as measured at a height of four and a half feet (4.5') above the average ground level at the base of the trunk; or
  - (b) been included on the Roster of Significant and Remarkable Trees in West Newbury ("Roster") or is the subject of a Roster nomination prior to final action of the Committee; or
  - (c) been otherwise determined by the Town Tree Warden, in consultation with the Tree Committee, to have high value based on aesthetics, historical significance, cultural significance, agricultural significance, or botanical features.
5. **Property Owner(s) and/or Resident (s):** Any person owning, or residing on, property in West Newbury that abuts or is adjacent to land subject to the Scenic Road laws.
6. **Roster of Significant and Remarkable Trees in West Newbury ("Roster"):** The list of trees maintained by the Committee and published on the Committee's website.
7. **Tree Care:** Tree care includes, as appropriate, applying water and fertilizer, pruning of dead or troublesome limbs, treating for insect, fungal, and other adverse infestations, and using or applying other appropriate measures reasonably necessary to maintain the health of a tree.
8. **Tree Replacement:** Tree replacement is the timely purchase and installation of trees to offset the removal of trees on a particular site.
9. **Tree Removal:** Tree removal consists of the cutting of the main trunk of a tree and whether or not the downed tree is left in place or physically removed from its original location. Tree removal does not apply to reasonable amounts of crown or branch pruning.

## **C. Best Management Practices**

### **1. Tree Care**

- (a) Property owners and residents are encouraged to provide appropriate tree care for trees subject to this guidance.
- (b) The Committee will maintain information on its website ([www.wnewbury.org/tree-committee](http://www.wnewbury.org/tree-committee)) pertaining to appropriate tree care and shall respond to any property owner or resident request as soon as feasible.
- (c) Property owners and residents may also contact the Tree Committee or the Town Tree Warden for advice on appropriate care for trees at:  
Tree Committee: [treecommittee@wnewbury.org](mailto:treecommittee@wnewbury.org)  
Tree Warden: [dpwdirector@wnewbury.org](mailto:dpwdirector@wnewbury.org)

### **2. Avoidance of Soil Compaction and Damage**

- (a) For any trees subject to this guidance, property owners and residents shall avoid causing soil compaction or other tree damage inside the root zone (no less than 10 feet beyond the tree drip line);
- (b) Any information on causing soil compaction or other tree damage inside the root zone should be addressed to the Town Tree Warden.

### **3. Tree Removal**

- (a) Property owners and residents shall not remove any trees subject to this guidance either on their own or by businesses hired by them. Property owners or residents seeking to remove such trees must first contact the Town Tree Warden using the procedures set forth in section D herein.
- (b) Removal of trees subject to this guidance may be done only by the Town Tree Warden or his/her designee.

### **4. High Hazard Trees**

- (a) Property owners and residents should report the location of any high hazard tree to the Town Tree Warden.
- (b) The Town Tree Warden has the sole authority to determine the degree of hazard of a tree and to take any actions deemed necessary and appropriate with respect to the tree.

### **5. High Value Trees**

- (a) These trees are intrinsic to the historical, cultural, aesthetic, and environmental fabric of West Newbury. Special attention and care should be given by all property owners and residents to protect and preserve all High Value trees.
- (b) No High Value tree may be removed without prior consultation with the Town Tree Warden and the chair of the Tree Committee or his/her designee.

### **6. Tree Replacement**

- (a) If a tree subject to this guidance is removed, a replacement tree or trees of approximately equivalent DBH size and of suitable species shall be provided in a timely manner by the property owner or resident responsible for such removal, except that the Town Tree Warden is not subject to this replacement requirement.
- (b) A replacement tree shall have a DBH of no less than three inches (3").
- (c) A property owner or resident providing a replacement tree must consult with the Town Tree Warden or his/her designee about the number and species of any replacement tree(s) before making any purchases or other replacement arrangements.
- (d) The Town Tree Warden shall, in his/her sole discretion, determine the site or sites for the planting of any replacement tree(s).

#### **D. PROCEDURES**

In addition to procedures set forth in Mass. Gen. Laws, Part I, Title VII, Ch. 40, Section 15C, the following apply to any tree subject to this guidance:

1. Any property owner or resident seeking to remove a tree subject to this guidance shall notify the Town Tree Warden or his/her designee prior to taking any action that would create adverse conditions for the subject tree or trees.
2. The Town Tree Warden or his/her designee shall consult with such property owner or resident within a reasonable time to determine what actions may or may not be taken.
3. Any dispute over what constitutes a tree subject to this guidance shall be determined by the Town Tree Warden in his or her sole discretion, except for High Value trees. For any High Value tree, the Tree Warden will consult with the chair of the Tree Committee prior to making any final determination.
4. Any property owner or resident not following this guidance shall be reported to the Town Tree Warden, the Town Manager, the Town Planning Board, and the chair of the Tree Committee for appropriate action, including but not limited to penalties under state law.

Dated: November 4, 2020

Approved by WN Tree Committee (4-0): November 4, 2020