Newton Conservation Commission
Tree and Shrub Replacement Guidelines under the State Wetlands Protection Act*

(adopted by the Con Com 6/16/2016)
(Revision Approved 8/27/20)

Purpose: It is the interest of the Newton Conservation Commission to preserve trees and shrubs within its jurisdictional areas. Trees and shrubs provide valuable ecological functions including: nesting and breeding habitat for a variety of wildlife including endangered species, nutrient uptake that improves water quality, and shade. Even dead trees provide valuable habitat and nutrient cycling. These guidelines help define what replacement may be required should a landowner seek permission to remove trees or shrubs from his/her property. Removals without permission (enforcement) are subject to different and more stringent standards.

Jurisdiction/Scope: These guidelines apply to all areas within the Conservation Commission's jurisdiction including: 100-foot Buffer Zones, Bordering Vegetated Wetlands, Banks, Isolated Lands Subject to Flooding, Bordering Lands Subject to Flooding, Land Under Water and Waterways, and Riverfront Areas.

Procedure:

1. All proposed removals of trees or shrubs within Commission jurisdiction must be presented to the Conservation Commission (i.e., the full Commission or an agent of the Conservation Commission) for review and approval under the State Wetlands Protection Act regulations through a Notice of Intent, Request for Determination of Applicability, or a request for Administrative Approval.
2. Trees over 8" in diameter at breast height (dbh) must be identified individually on the proposal. Smaller trees and shrubs in the area must be indicated individually or in aggregate.
3. The owner of the property must submit a proposal for tree and/or shrub mitigation to the Conservation Commission.
4. The Conservation Commission shall decide if the proposal satisfies the tree and shrub replacement guidelines.

Mitigation: Appropriate compensatory mitigation is flexible on a project-by-project basis in order to achieve the most appropriate mitigation for each site-specific situation, however, the starting point for determining replacement is as follows.

In all situations

- Shrubs may be required in addition to or allowed in place of trees to increase ecological diversity and accommodate site constraints.
- Replacement trees and shrubs shall be native species.
- Replacement tree and shrub selections shall optimize the:
    - Likelihood of mitigation planting success,
    - Degree to which lost tree (and shrub) functions are replaced,
    - Value and complexity of the replacement vegetation, and
    - Appropriate density for the site.
- Replacement tree and shrub locations shall optimize wildlife habitat value to the maximum extent possible.
- Replacement trees and shrubs must survive two growing seasons.

Replacement for healthy trees and shrubs

- Size and number of replacement trees and shrubs shall be calculated as follows:
    - For each inch of tree over 8" dbh removed, ½ caliper inch (measured 6 inches off the ground) must be planted. Replacement trees must be at least 1-2 caliper inches.
    - For each shrub over 4' tall or 4' wide removed, two 1-gallon shrubs shall be planted.
- Replacement planting must occur no later than 6 months after completion of removal or end of construction whichever is later.

Special Circumstances: Appropriate compensatory mitigation will vary project-by-project and site-by-site.

- If the trees or shrubs being replaced are invasive, mitigation requirements may be reduced.
- If the trees or shrubs being replaced are hazards, mitigation requirements may be reduced.
- If the trees or shrubs being replaced are on small lots, mitigation requirements may be reduced.
- If the trees or shrubs being replaced are large trees (i.e., over 24" dbh) , mitigation caliper inch requirements may be reduced, but species selection may be limited to large canopy tree(s).
- If the trees or shrubs being replaced are in the inner 50-foot Buffer Zone, mitigation requirements may be increased.
- In enforcement situations, mitigation requirements may be increased.