

LINCOLN CONSERVATION COMMISSION

**TREE REMOVAL POLICY FOR LANDOWNERS
UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT &
LINCOLN WETLANDS PROTECTION BYLAW**

Adopted July 7, 2021

Revised 11/6/2024

Revised 1/7/2026

Tree Removal Policyⁱ: No trees may be cut in Wetland Resource Areas, Riverfront Areas and/or Buffer Zones (the “Jurisdictional Areas” as defined below) unless permission has been granted by the Conservation Commission. This policy applies to all Jurisdictional Areas, whether natural or landscaped. Landscaped areas are those locations comprised predominantly of lawn or landscaping shrubs. Natural areas are those areas comprised predominantly of naturally occurring vegetation. The Conservation Commission has jurisdiction over the following areas (“Jurisdictional Areas”):

- Wetland Resource Areas, defined as 100-year flood zones, wetlands, streams, ponds, and marshes;
- Riverfront Areas, defined as land within 200 feet of a perennial stream; and
- Buffer Zones and Upland Buffer Zone Resource Areas, defined as land within 100 feet of a Wetland Resource Area.

Purpose of this Policy: This policy was developed to expedite the tree cutting approval process when a landowner believes a tree is a hazardⁱⁱ and would likely cause damage to a person, structure, or maintained portion of their property (i.e. driveway, yard, leaching field, parked equipment, home, shed).

Ecological Value of Trees. Trees in Jurisdictional Areas perform ecological functions by providing habitat for wildlife, reducing flood elevations, stabilizing soil, assisting nutrient uptake that improves water quality, and providing shade that contributes to healthy vegetation and cool water. Even dead trees provide habitat for cavity nesters and organic nutrients for soil.

I. Guiding Principles

A. Reason for Tree Removal. For tree-cutting in Jurisdictional Areas to be approved under this policy, the tree(s) must present a hazard to people, permanent or temporary structures, or usable surfaces (lawn, driveway).

B. Conditions for Tree Removal. Generally, the Conservation Commission requires that all tree removal equipment remain on landscaped or paved areas and outside of natural areas. To minimize disturbance, the only tree trunks that may be ground below the surface are those in landscaped areas and at least 50’ from the wetland resource area. Replacement tree or shrub planting is required. In certain cases, the Conservation Commission and/or staff may exercise their discretion in the application of this policy.

II. Trees Subject to this Policy. Trees are categorized by size according to their diameter at breast height (“DBH”): Small trees are less than 12-inches DBH; Large trees are greater than 12-inches DBH.

III. Tree Removal Request Application

A. Application Form. A landowner proposing to cut one or more trees in a Jurisdictional Area must file a Tree Removal Application Form which includes the following information:

1. Tree size, type, and condition;
2. Reason for the tree removal request;
3. Whether the tree is in a natural area, landscaped area, or lawn area; and
4. The scope of work and the equipment to be used.

B. Informal Map. The Tree Removal Application must include an informal map showing:

1. Existing Wetland Resource Areas (including Riverfront Areas) and the 100-foot buffer zone, the landowner house, trees on the property, and other relevant features; and

2. Proposed trees to be cut (numbered in a way that can be cross-referenced with application).

IV. Review and Approval Process

A. Conservation Staff Administrative Review/Approval.

1. Single Family Property (a parcel on which one or two residences are permitted): Conservation Staff may administratively approve up to five (5) trees within Jurisdictional Areas as defined above. These approvals are cumulative per property.
2. Property which is not a Single Family Property: Conservation staff may administratively approve the removal of up to 10 hazard trees within Jurisdictional Areas from any such property per year.

B. Formal Conservation Commission Review/Approval. If a proposed tree removal in a Jurisdictional Area is beyond what Conservation staff are authorized to approve pursuant to this policy, such removal may be permitted by the Conservation Commission.

V. Tree Mitigation Requirements and Conditions

A. Mitigation. The loss of trees cut in a Wetland Resource Area or 50-foot Buffer Zone shall be mitigated as follows:

1. For any tree >12" DBH, the owner shall plant one native tree or two native shrubs for each large tree cut.
2. For any tree ≤ 12" DBH, the owner shall plant one native shrub or one native tree for each small tree cut.

B. Replacement Tree Requirementsⁱⁱⁱ. A replacement tree shall:

1. Be planted as close to the cut tree as possible, or closer to the wetland edge;
2. Be a native species ^{iv} with a diameter size of 1" or greater; and
3. Survive two growing seasons. Applicant/owner must describe steps taken to maintain tree for at least two growing seasons after date that it is planted.

C. Waivers. A property owner may request a waiver (in writing) for any required mitigation planting. Mitigation may be waived, for example, in the following cases subject to the discretion of the Conservation Commission:

1. The tree(s) were significantly damaged in a storm event;
2. The property is heavily wooded and growing new shrubs or trees would be difficult; and/or
3. The tree to be removed is already dead.

ⁱ This policy is intended to cover only the removal of trees within the Conservation Commission's jurisdiction. Landowners must obtain prior permission from the Conservation Commission before work of any kind (*e.g.*, tree or brush removal, vegetation removal or cutting, lawn expansion, grading, and construction) is conducted in a Jurisdictional Area. Wetland Resource Areas and Riverfront Areas may sometimes appear to be dry and thus difficult to identify, so all landowners are encouraged to contact the Conservation Department office at (781)259-2612 to discuss any proposed work. For further information please visit the Conservation Department page on the town website www.lincolntown.org.

ⁱⁱ A "Hazard Tree" is a tree which is dead or dying and/or has a structural defect that may cause the tree or a portion of the tree to fall on a person, structure, or maintained portion of a property.

ⁱⁱⁱ See Lincoln's "[Tree and Shrub Replacement Guidelines](#)" for additional detail.

^{iv} See Lincoln's Tree and Shrub Replacement Guidelines for a list of native plant species.