



## ATM Article 27 Tree Protection Bylaw

### FACT SHEET: PROTECTING OUR PUBLIC SHADE TREES

---

In Massachusetts, we are fortunate to have a long history of public shade tree protection. Over 100 years ago, the Commonwealth adopted a statute for the protection of public shade trees, now known as Massachusetts General Law Chapter 87. In modern times many Massachusetts towns, with encouragement of the State Department of Conservation and Recreation, have adopted local tree ordinances to tailor Ch. 87 to the goals of their community.

#### **What are the Key Elements of Chapter 87?**

- All trees within the public right of way are defined as public shade trees.
- The Tree Warden is responsible for the care, control, protection, and maintenance of all public shade trees, except those within a state highway, and shall enforce all the provisions of law for the preservation of such trees.
- No person may plant, trim, cut, or remove a public shade tree without permission of the Tree Warden.
- No person, including the Tree Warden, may cut or remove any tree, greater than one and one-half inches in diameter, without a public hearing.

#### **What is the function of the proposed Tree Protection Bylaw for Southborough?**

- The bylaw is in accord with Ch. 87 but clarifies the state law by creating clear standards for tree preservation in Town, and establishes procedures for tree protection.

#### **Does this bylaw apply to trees on Private property?**

- The bylaw applies to “public shade trees,” trees within the public right of way the subject of Ch. 87. The bylaw does not apply to trees on private property

#### **What is the Public Right of Way?**

- The portion of land controlled or owned by the Town within which an accepted public street or road lies. Typically, the public right-of-way is wider than the road surface and often includes curbs, sidewalks, utilities, public shade trees and grass strips.

#### **Why Protect Public Shade Trees?**

- Trees serve a wide variety of functions, which promote the health, safety and welfare of residents
  - Trees reduce flooding, erosion, and noise pollution
  - Trees produce oxygen and clean the air we breathe,
  - Trees provide cooling, improve mental health, provide habitat and increase property values

#### **What are the additional costs to implement this bylaw?**

- There is no additional cost to implement this bylaw as the provisions in the bylaw are already required by state law that the town is already required to implement.