



City of Waltham
Public Works Department / Forestry
Office of the Tree Warden
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REGULATIONS OF THE TREE WARDEN

I. Introduction and Governing Law

These Regulations are promulgated pursuant to the authority of G.L. c.87, §2. The provisions of G.L. c.87 shall govern the cutting, trimming and removal of all public shade trees within the City of Waltham.

II. Permit Required to Prune; Procedural Requirements

A. Pursuant to G.L. c.87, §3, anyone other than employees of the Waltham Forestry Department wishing to cut, trim or prune a public shade tree, in whole or in part, must apply for and obtain a written permit from the Tree Warden prior to performing any work that may disturb the branches, trunk, or roots of public shade trees. This includes but is not limited to installation of utilities, natural gas lines, water lines, conduits, sewers, sidewalk construction/repair, driveways and curbing.

B. Application for a permit shall be made to the Tree Warden prior to commencement of planned work, except in an emergency. For a utility, if in response to a customer complaint, the Tree Warden must be notified 48 hours prior to any work being performed (excluding weekends and holidays). In any case involving an immediate danger to a person or property work can be done immediately. The Tree Warden must be notified within 48 hours of work that was done to avoid imminent danger.

C. The application shall include a completed application form and site plan clearly identifying the proposed scope of work.

III. Permit Required to Remove Public Shade Tree; Procedural Requirements

A. Pursuant to G.L. c.87, §3, anyone wishing to cut or remove a public shade tree, must apply for and obtain a written permit from the Tree Warden prior to performing any removal work. This includes but is not limited to removal for the purpose of installation of utilities, natural gas lines, water lines, conduits, sewers, sidewalk construction/repair, driveways and curbing. The fee for said permit is \$150.00

B. Permit application shall be submitted to the Tree Warden a minimum of thirty (30) calendar days prior to commencement of planned work. In an emergency situation involving an immediate danger to a person or property, work can be done immediately (typically by Waltham Forestry for public trees) and without an application. The Tree Warden must be notified within 48 hours of work that was done to avoid imminent danger.

C. Proposed tree removals will require a public hearing, in compliance with the requirements of G.L. c. 87, §3 unless the tree is determined after an inspection by the Tree Warden to be a high risk tree. The applicant will be required to pay for publishing of the notice of public hearing advertisement. The hearing will not be held prior to payment.

D. The application shall include:

- i. A completed application form and site plan clearly identifying the proposed scope of work. The plan shall show the proposed location, diameter and species of the replacement tree plantings.

ii. Tree removals require that they will be replaced using a wood for wood calculation as determined by the Tree warden. For example, if a healthy, 24-inch diameter at breast height (dbh) tree is proposed to be removed, that tree will be replaced with eight 3-inch dbh trees. The applicant will have the option of providing the trees, which will be inspected by the Tree Warden before they are planted, or by paying for the cost of those trees, including installation, at the City's contracted rate \$150 per caliper inch (of removed tree) with payment submitted to the City of Waltham.

E. At time of application submittal, the tree or trees proposed to be removed shall be flagged by the Tree Warden and remain flagged until the public hearing is closed.

IV. Utility Line Clearance Standards

In addition to requiring a permit to prune as described in section II, the following standards shall govern the trimming and pruning of public shade trees around power lines by utility companies:

A. The utility shall submit a vegetation management plan describing the proposed pruning, upon which the Tree Warden may assign additional conditions for approval.

B. A certified arborist (either Massachusetts or International Society of Arboriculture (ISA) certified) must be part of each pruning crew.

C. Utility line pruning shall not be scheduled between June 1 and September 30, except in case of emergency, as described in II. B.

D. The American National Standard Institute (ANSI) A-300 standard must be used when pruning trees in Waltham. Section 5.5.3 of that standard states that "Not more than 25 percent of the foliage should be removed within an annual growing season. The percentage and distribution of foliage to be removed shall be adjusted according to the plant's species, age, health and site".

E. Private property owners must be notified 2 weeks ahead of time that their private trees will require pruning and the approximate time frame of the work. The notification shall also include contact information for the pruning contractor and the utility arborist.

The above standards shall be incorporated into any written permit issued by the Tree Warden relative to utility line clearance as conditions to the permit.

V. Suspension of Permit and/or Violation of Conditions

Any violation of these Regulations or permit conditions will result in the permit being revoked and the issuing of a stop work order. The Tree Warden may cancel a permit or issue a stop work order without notice.

VI. Enforcement

In addition to revocation of a permit as provided for above in Section IV, the Tree Warden, in his discretion may invoke any and all of the following non-exclusive penalties for violating any provision of these Regulations:

A. Non-criminal disposition under G.L. c.40, §21D. The non-criminal disposition penalty for violating these Regulations shall be \$300 per violation in addition to any damages, with each day constituting a separate offense, and the enforcing persons shall be the Tree Warden and the City's police officers.

B. The penalties provided for in G.L. c.87, §2, 6, 11, 12 and in G.L. c.242, §7.

C. Penalties under G.L. c. 40, §21.

D. Compensation to the City for trees which are damaged, destroyed or removed without compliance with the provisions of these Regulations. Compensation amounts are to be donated to the City in the form of tree planting, services in kind, and monetary donations to the City of Waltham.

VII. Appeals

A decision of the Tree Warden may be appealed to the Mayor of Waltham by filing a notice of appeal with the City Clerk.

VIII. Severability

If any provision of these Regulations is determined to be invalid or unenforceable, such determination shall not affect the validity or enforceability of any other provision.