



Massachusetts Department of Conservation and Recreation

THE CITIZEN FORESTER

Urban & Community Forestry Program

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dcr
Massachusetts



Crafting a Tree Ordinance

Designing & Implementing Your Vision

An ordinance is defined as a piece of legislation enacted by a municipal authority. In the United States, these laws are enforced locally in addition to state and federal laws. The majority of ordinances address public health issues, safety, zoning, and general welfare. Examples of ordinances would be those related to noise, snow removal, pet restrictions, and building regulations.

In Massachusetts, cities and towns are permitted by the state legislature to pass laws and regulations to govern local matters, to provide administrative procedures, and to prohibit certain activities. These are called ordinances (cities) and by-laws (towns), and they apply only to the city or town in which they are adopted.



(Continued from page 1)

As our communities continue to expand and develop, it is important that we make room for trees in our municipal codes. Every community has different ideas and expectations around their local tree protection. We are fortunate in Massachusetts that we have [Mass General Law Chapter 87](#) (Chapter 87) that provides a basic level of tree protection across the state. Chapter 87 consists of 14 sections defining public shade trees, the powers of tree wardens, the cutting and removal of public shade trees, penalties, planting, trees on roads managed by the state, affixing signs to trees, and provisions for working with utilities conducting vegetation management. Chapter 87 is available online at the Massachusetts Legislature website. Every city and town in Massachusetts has an opportunity to strengthen Chapter 87, by tailoring laws to the unique conditions in their community. A local bylaw or ordinance

can be used to strengthen tree protection in communities and help spread the message that your community values the important and critical services that trees provide.

A local ordinance can help a community achieve its urban forestry goals, whether those are establishing a tree committee, preserving trees during construction projects, protecting significant trees, requiring tree planting in certain situations, or others. It is not uncommon for rules regarding trees to appear in various sections of municipal code. For example, tree planting for development projects may appear in planning rules or subdivision regulations, and requirements for tree buffers may appear in zoning rules. Alternatively, rules for trees may be lacking entirely. Going through the process of developing a local tree ordinance can unify these provisions and ensure that rules related to trees are straightforward and compatible with the goals of the community.

THE 194TH GENERAL COURT OF THE
COMMONWEALTH OF MASSACHUSETTS

February 03, 2025

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CHAPTER 87

Search the Legislature...

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Like many processes, such as developing an urban forest management plan or conducting a tree inventory, the process of creating a local tree ordinance begins with information-gathering. What are the goals of the community? What are the needs? What are the issues that a tree ordinance could clarify? What resources does the community currently have?



In Massachusetts, it is often a tree committee that starts the process of developing a tree ordinance, but it can also be initiated by the tree warden or others. It is a process that takes dedicated people to see the project through, as it can take many months - to

years - to complete. The group may include the tree committee, tree warden, representatives from other municipal departments, and community members. Other stakeholders should be involved as well, particularly underrepresented groups or individuals.

Many communities in Massachusetts have tree bylaws or ordinances. A community interested in creating their own does not have to start from scratch. Many ordinances are [listed on our website](#), and communities can start there to see what elements may be applicable locally. Keep in mind, there is no “one size fits all” approach to adopting a local tree bylaw or ordinance. A successful bylaw or ordinance will be specific to your community.

Legal consultation, as it relates to municipal law, is a must. It is important to consult with legal staff from the municipality throughout the bylaw or ordinance development process. Some communities have policies regarding public shade tree management. These may be in addition to, or in place of, a formal bylaw. A policy states principles and perhaps, specific processes that a tree warden or tree program carries out. Sometimes policies are formally

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adopted or are otherwise implemented in a community. As a result, they are easier to change than an ordinance but may also be harder to enforce and can be more susceptible to being challenged.

Functions of a Local Tree Ordinance

- Establish goals for urban and community forestry in the municipality.
- Establish and define authority over public trees.
- Institute performance standards for planting, maintenance (such as pruning), protection, and removal.
- Establish a process for managing trees infested by a recognized tree pest.
- Define nuisance conditions for trees.
- Address enforcement, fees, appeals, and fines.

For this reason, we recommend developing a formal tree bylaw for your community. Ideally, a community would have a local bylaw that also references policies or regulations, since not everything can or should be enumerated in the bylaw. Note that Chapter 87, Section 2 authorizes tree wardens to create regulations. If the select board approves the regulations, they have the effect of a bylaw.

Sections of a Local Tree Ordinance

Title: The title should be brief and descriptive.

Purpose: The purpose can lay the foundation for the ordinance and establish the goals and objectives for the ordinance.

Definitions: Mass. General Laws Chapter 87 does not provide definitions of some key terms. Doing so in a local tree ordinance will help ensure that there is no ambiguity in terms and will enable the adequate enforcement of the ordinance.

Jurisdiction: Mass. General Laws Chapter 41 requires towns and cities to have a tree warden, and Chapter 87 assigns this person the responsibility for managing shade trees along public ways. This section should assign that jurisdiction to a tree warden or describe an alternate process compatible with state law.

Administrative Responsibilities: This section designates authority to enact and enforce the bylaw or ordinance.

Provisions for the Management of Public Shade Trees: This section should contain the general principles and standards that will

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guide shade tree management in the community. Basic provisions for planting, protecting, maintaining, and removing public shade trees should be included, as well as provisions for protecting public shade trees from construction.

Appeals: This section outlines the process for appealing a decision the tree warden has made, including what types of decisions can be appealed.

Penalties: This section should contain specific penalties for violations and the entity responsible for levying penalties.

Severability This section states that if any portion of the ordinance is found invalid in court, the rest of the ordinance will remain valid.

Other Sections: A community may find other sections useful, such as findings, a section for evaluating the performance of the ordinance, interference with tree management activities, and policies. Some communities may wish to require that companies hired to plant, prune, or remove trees on public property meet certain standards, such as having a certified arborist perform the work.



Use this guide as a starting point. Remember you are not alone. Many cities, towns and tree committees have been in a similar situation, and you don't have to start from scratch. Reach out to your friendly State Urban and Community Forestry Program for assistance, or your local neighboring communities for ideas and success stories. Together we can develop and strengthen laws pertaining to trees, to ensure they are protected, and that they grow into long-lived legacies for future generations.

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References:

<https://www.mass.gov/info-details/massachusetts-city-and-town-ordinances-and-by-laws>

<https://www.mass.gov/lists/picks-and-shovels-urban-and-community-forestry-resources#community-tree-ordinances-and-by-laws-for-massachusetts>

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXIV/Chapter87>

MA DCR Ordinance Guide

<https://www.mass.gov/doc/tree-by-law-and-ordinance-guide/download>

International Society of Arboriculture

<https://www.isa-arbor.com/education/online-resources/tree-ordinance-guidelines>

RI Guide to Municipal Street Tree Ordinances

<https://dem.ri.gov/sites/g/files/xkgbur861/files/programs/bnatres/forest/pdf/urban/ri-street-tree-ordinance-guide.pdf>

Georgia Tree Council

<https://gatreecouncil.org/what-we-do/resources/12-steps-to-writing-an-effective-tree-ordinance.html>

NC State Extension

<https://content.ces.ncsu.edu/developing-successful-tree-ordinances>

Arbor Day Foundation

<https://arbordaystage.prod.acquia-sites.com/tree-resources/how-write-municipal-tree-ordinance>



Guide to Local Tree Bylaws for Communities in Massachusetts



Urban and Community Forestry Program
Bureau of Forest Fire Control and Forestry
Massachusetts Department of Conservation and Recreation
www.mass.gov/dcr/ucf

Photos: DCR

Forester Focus

A deeper look into today's Urban Forestry topics



Apples and Massachusetts

By Nate Tobey, DCR Urban Forester

Historically, every city and town in Massachusetts had an apple orchard and a cider mill. If you search for Apple St., Orchard St., or Cider Mill Rd., you will receive 100s of results within Massachusetts.

Prior to refrigeration, apples were very useful because they could be stored for long periods of time. They were also very versatile, and could be turned into cider or hard cider, or turned



into butters and jams. Unfortunately, the decline in apple orchards in Massachusetts occurred due to a variety of reasons, but mostly because of developmental pressures and the rise of the supermarket.

Apple growing, cultivation, and selection, dates back hundreds of years in Massachusetts. Many apple varieties were developed locally, such as the Roxbury Russett, Baldwin, and Westfield Seek-no-Further. Massachusetts was also the home to John Chapman, better known as Johnny Appleseed.

Johnny Appleseed was born on September 26th, 1774, in Leominster, MA. The family

moved to Longmeadow, MA in 1780. No one is sure exactly where in Leominster Johnny was born but the consensus is that he was born near the road now named Johnny Appleseed Lane. There is a replica of his parent's cabin there and another one at the Johnny Appleseed Rest Area off MA-2. The rest area also has a statue of Johnny, and a sculpture of the biggest apple in New England.

Johnny Appleseed was not just a scatterer of seeds as many people believe. He was a practical nurseryman. He realized that there was a real need and opportunity for supplying seeds and seedlings. During this time period, the western edge of Pennsylvania was the country's rapidly expanding Western frontier. At the turn of the 19th century, speculators and private companies were buying up huge swathes of land, waiting for the settlers to arrive.

In order to assure the stability of the newly established homesteads, the laws required each settler to plant fifty apple trees during their first year of ownership. For the most part, moving ahead of the pioneers, Johnny started many nurseries throughout the Midwest by planting seeds which he bought from cider mills in Pennsylvania. Johnny owned many tracts of land throughout Ohio and Indiana. He used this land to plant apple seeds, transplant

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seedlings, and set out orchards. He sold and gave away his trees to the pioneer settlers.

Many of these trees were not edible because Johnny was a member of the Swedenborgian Church whose beliefs explicitly forbade grafting, so all his trees were from seed. The Church believed that grafting caused suffering to the plant. This led historians to believe that most of Johnny's apples were used to make hard cider since it provided those on the frontier with a safe, stable source of drink, in a time and place where water could be full of dangerous bacteria. Cider was a huge part of frontier life and could be imbibed without worry. Just short of his seventy-fifth birthday, Johnny Appleseed died on March 18, 1845, in Fort Wayne, Indiana after almost 50 years of travel.



A few apples from this time period:

- **The Roxbury Russet** First discovered in the Roxbury neighborhood of Boston, MA in 1635. Joseph Warren (the father of famed patriot Dr. Joseph Warren who died at Bunker Hill) was the person that started growing the russet in his orchard. The apple is heavily russeted which means it has a skin condition that causes rough, tan or brown patches on the skin of the apple. The Russett apple was prized for its ability to be stored for long periods of time, and its cider.
- **The Baldwin** First discovered in Wilmington, MA in 1740. A farmer named John Ball discovered it on his farm. While surveying for the Middlesex Canal, Colonel Loammi Baldwin (who is considered the father of American Engineering) heard about the apple. He loved it, and he was enthusiastically promoting it after he planted numerous trees around his house in Woburn, MA. People began calling it the Baldwin, which is the name that stuck. An interesting sidenote of Col. Baldwin is he is a second cousin of John Chapman! It is considered the first commercially successful apple variety in the United States.
- **The Westfield Seek-no-Further** It is believed this apple was found in Westfield, MA around 1750, though the first documentation of it was in 1817 in William Coxe's "A View of the Cultivation of Fruit Trees" stating that it was "A native of one of the Eastern states." The apple is sweet and aromatic, with a distinctive nutty flavor. It has a creamy yellow, firm, crisp flesh. Its skin is smooth, deep yellow or green base and can be streaked red with some russetting around the stem. It is considered a dessert apple and not recommended for cooking.

References:

<https://newenglandapples.org/>

<https://www.visitnorthcentral.com/who-was-johnny-appleseed/>

Photos: DCR

Leominster Historical Society



CLIMATE RESILIENCY

Healey-Driscoll Administration Energy and Environmental Agency Releases Yearly Report

Boston – The Healey-Driscoll Administration released the Executive Office of Energy and Environmental Affairs (EEA) [2024 End of Year Report](#) highlighting key milestones and accomplishments from our agencies. Over the past year government officials, stakeholders, and partners worked collaboratively to build healthier, and more sustainable communities. From the passage of landmark climate legislation to new programs to combat inland flooding, EEA has made important strides in making Massachusetts the best place to live and raise a family.

“The Executive Office of Energy and Environmental Affairs is on the frontlines of climate change, lowering energy costs, and helping people get outside and enjoy our beautiful state,” said **Governor Healey**. “All of this work is done in the spirit of collaboration, equity, and affordability. I’m grateful to Secretary Tepper, our commissioners, and the over 3,000 hardworking staff that serve our residents.”

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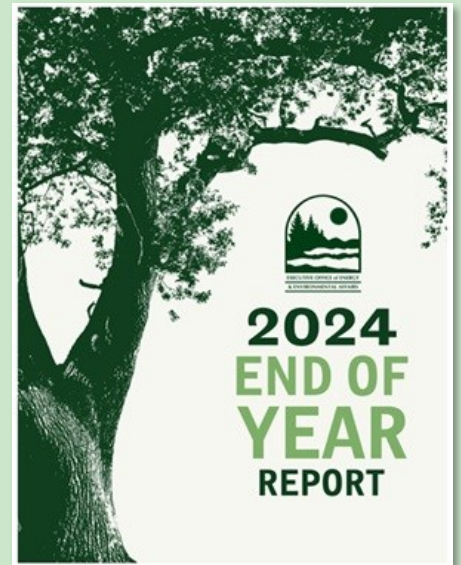
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“In 2024, we took major steps forward to cut down on permitting timelines and build more resilient communities,” said **Lieutenant Governor Kim Driscoll**. “In the past two years, we’ve invested over \$453 million in grants to help electrify our homes, get people playing outside, expand our tree canopy, and support our farmers. The innovation and dedication of all involved is boundless. I’m excited for what we can accomplish in the next year.”

“In the past year Massachusetts faced numerous challenges, record-breaking droughts and fires served as a reminder of what is at stake in the clean energy transition,” said **EEA Secretary Rebecca Tepper**. “Our annual report demonstrates the remarkable commitment our organizations have towards achieving energy independence and building stronger communities. We’re proud to present a summary of our work thus far and we are looking forward to a new year of opportunities.”

Some of the highlights from EEA’s year include:

- Governor Maura Healey signed into law a landmark climate bill, advancing clean energy, community engagement, cumulative impacts, and community benefits plans
- Governor Healey also signed the Mass Leads Act to accelerate clean energy development and support the climatetech industry
- EEA awarded over \$240 million to 1,545 individual grantees who are doing impactful work across the state
- EEA launched the Massachusetts “Climate Action is for All of Us” Campaign highlighting meaningful ways individuals can take sustainable actions
- The Healey-Driscoll Administration awarded over \$52 million Municipal Vulnerability Preparedness action grants



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- DEP launched the first-in-the-nation cumulative impact analysis regulations for air permits
- DCR welcomed their first Indigenous People's Partnership Coordinator
- The Electric Vehicle Infrastructure Coordinated Council awarded \$50 million to electric vehicle charging infrastructure and innovation initiatives
- MOOR established 'Trails for All' a statewide initiative to review, upgrade and build universally accessible trails
- EEA also helped secure over \$1 billion in federal funding for climate initiatives, including low-cost solar and heat pumps
- Massachusetts was recognized as a national leader in food waste reduction
- DPU made significant strides in reshaping rate structures to advance electrification and make energy more affordable
- DEP invested \$775,000 to install affordable air quality sensors in environmental justice communities
- Massachusetts was first state in the nation to test all 95 of our licensed dairy herds for High Path Avian Influenza (HPAI) and return 100% negative results
- MDAR awarded \$24.6 million in grants to ensure that fresh, healthy, local food is available to all residents
- EEA launched its first Environmental Justice (EJ) Strategy, Language Access Plans and Public Involvement Plans to advance environmental justice and equity in its programs, policies, and regulations
- MassCEC announced the winners of its Embodied Carbon Reduction Challenge, a first-in-the-nation competition to reduce upfront carbon emissions in building projects

For more information, visit:

<https://www.mass.gov/info-details/eea-2024-year-in-review>

Species Spotlight

Hackberry, *Celtis occidentalis*

Common hackberry does not, perhaps, have the most-lovely name, but it is one of our native trees – and a tough one to boot. Common hackberry, which we will call ‘hackberry’ in this piece, is native from southern Ontario to New England,



south to northern Georgia, and west to northwest Oklahoma, and north through the Dakotas. The common name hackberry comes from ‘Scottish hagberry,’ which referred to a different tree with similar-looking fruit, bird cherry (*Prunus avium*). In its native range, hackberry is a tree of river valleys, though it also grows in upland mixed hardwood forests. A medium-to-fast grower, hackberry can reach 40 to 60-feet tall, with a similar spread.

At one time, hackberry was classified in the Ulmaceae, but is now in the Cannabaceae family, which also includes hemp and hops. Hackberry is hardy to USDA zones three to nine.

Hackberry is alternate, with simple, ovate, pointed leaves that are two to five inches long. The leaves are sharply toothed, though teeth



disappear closer to the base. The base is uneven, with one side higher than the other, similar to leaves on elm trees.

Three veins originate at the base. Leaves are shiny green in color above, and paler on the underside, with glabrous or slightly glabrous veins. Fall color may be yellow or yellow-green.



Buds are imbricate, pointy, and small, at one-quarter-inch long or less. They are brown, downy, and appressed to the stem. Lacking a terminal bud, hackberry has a pseudo-terminal bud. That is, it has a bud that seems like a terminal bud, but is actually a lateral bud. Twigs are slender, reddish-brown, hairy, and zig-zag. The

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Species Spotlight—Continued

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pith is white and may be chambered at nodes.

The bark of hackberry is smooth gray when young and develops corky 'warts.' As the tree matures, the warts develop into ridges.

Hackberry flowers are polygamo-monecious; it can have male, female, and perfect flowers on the same tree. Flowers are greenish and not ornamentally important.

The fruit, a one-seeded drupe, is orange-red to purple and matures in the fall. It is approximately one-quarter to one-third-inch wide and hangs on a pedicel one to two inches long. The fruit can persist through the winter and is favored by wildlife, including small mammals and birds, such as wild turkey, cedar waxwing, and robins.



Michael Dirr warns of the teeth-shattering single seed – be careful if sampling! Deer will also browse on leaves of hackberry. Wood from hackberry is not used for timber, but is used as firewood.

Hackberry can tolerate a variety of conditions, including dry soils and wind, making it a good choice for urban areas. Because it is likely not prevalent in urban areas, hackberry is also a good choice to diversify the urban forest. Dirr

suggests planting hackberry in parks or other large areas. There are cultivars that are more resistant to witches' brooms and the nipple gall, including 'Magnifica,' which is likely a cross between *C. occidentalis* and *C. laevigata*. (*C. laevigata* is native to the southern United States.) *C. occidentalis* 'Prairie Sentinel' is a columnar form of hackberry.

Photos:

DCR, [Virginia Tech](#) & [UConn Plant Database](#)

MA Tree Wardens Conference 2025

Sturbridge — This winter, the DCR Urban & Community Forestry (U&CF) Program participated in the 112th Annual Conference of the Massachusetts Tree Wardens and Foresters Association.

The first day started with updates including DCR UCF Coordinator Julie Coop, Forest Health Director Nicole Keleher, and Rick Harper from UMass Amherst. Then Jean Zimmerman presented on the “Untold Story of Women in Arboriculture.” This was followed by “From Coal Tar to Canopy” by Andy Hillman. The afternoon keynote address was by Dr. Christine Carmichael “How Racism Has Affected Trees and

People in our Cities and What We Can Do About It.”

Day two provided more technical talks including a “Beech Leaf Disease Update” from Dr. Matt Borden and a “Tree and Shrub Disease Review for 2024” by Dr. Nick Brazee. The New ANSI Z133 Tree Care Standards were shared by Melissa LeVangie-Ingersoll. The conference concluded with a upbeat presentation from Warren Hoselton, aka Professor Pricklethorn, who discussed his methods to engage students and create connections between them and trees!

The Tree Warden of the Year Award went to Blair Crane from the Town of Norfolk. Congratulations Blair!



Warren Hoselton, AKA Professor Pricklethorn, gives his presentation at the conference with the help of some audience volunteers.

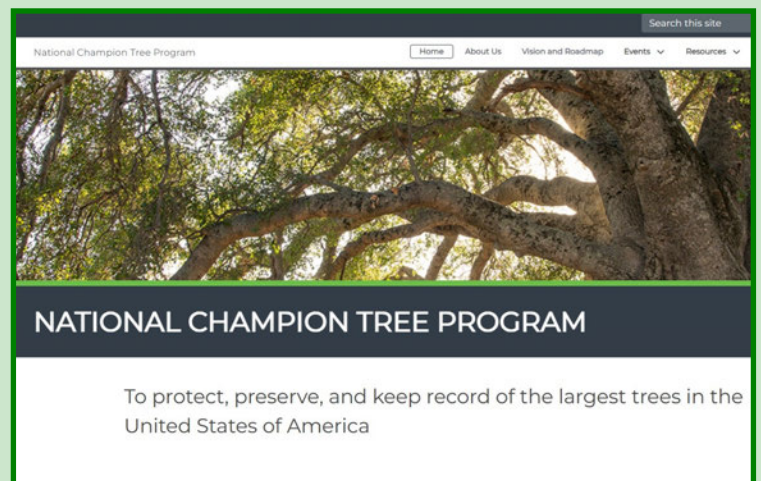
New Register Crowns Champion Trees Across the U.S.

Knoxville, TN — The National Champion Tree Program (NCTP) announced its first [Register of Champion Trees](#) since 2021. The program moved from American Forests to the University of Tennessee School of Natural Resources in 2023 and has spent the past year working with state-level Champion Tree programs across the U.S. to update outdated records and verify the newly crowned champions.

"We are thrilled beyond measure to share the list of the largest documented trees in the United States," Jaq Payne, NCTP director, said. "These trees are more than just numbers on a website. They're living, breathing members of our community. I hope this register encourages folks to start looking at the trees around them with fresh eyes." The register started as a short list of 77 big trees in the April 1941 edition of American Forests magazine. By 2021, it had grown to 562 Champion Trees across the country.

"Since moving to the University of Tennessee, the NCTP continues the vital work of identifying, documenting and protecting these gentle giants," Jad Daley, president and CEO of American Forests, said. "Building on its rich legacy, the program is deepening partnerships with communities, researchers and conservation groups to better understand the ecological

significance of these trees. Together, we strive to inspire greater stewardship of the natural world and ensure these majestic champions thrive for generations to come." American Forests is providing \$200,000 through April 2025 to support the program's move.



Anyone can access the new data management system through the program's website. There you can find Champion Trees for different species, see the trees' measurements and read the cultural importance of the trees, if known. The program is still collecting the trees' histories and would appreciate any help from community members.

Nominations for potential Champion Trees will stay open through August 2025. The National Champion Tree Program's mission is to protect, preserve and keep record of the largest trees in the United States through public education and engagement.



New and Stories from the Northeast Region

The [Forest Service Urban & Community Forestry Program](#) provides *Urban Tree News in the Northeast*, a collection of articles published in the media that have relevance to urban forestry in the Northeast.

[Why Do Urban Trees Grow Faster than Rural Ones?](#)

[Kids Naturally outdoor children's program: Tuesdays in the Trees](#)

[Nominations Open at End of February for New Champion Trees Across U.S.](#)

[NYS launches new tree tracking tools for 25 Million Trees initiative](#)



[National urban tree canopy map with historical data from 2018-2023](#)

[2024 Recap: Temps & Drought](#)

[Can Soil Amendments Reduce Disease Severity in Trees](#)

[Protecting Apple Trees from Climate Change](#)

On The Horizon

March 6	Webinar: Urban Forestry Today — Urban Woodland Management 12pm EST http://www.urbanforestrytoday.org/
March 11	Webinar: TREE Fund webinars bring you the latest in tree research, directly from the scientists themselves. https://treefund.org/webinars
March 22	Webinar: Mass Aggie Seminars — Orchard Pruning: https://ag.umass.edu/fruit/news-events/mass-aggie-seminars-2025
March–April	MTWFA Scholarship Fund: Tree Seedling Program celebrates Arbor Day/Earth Day by supplying bulk seedlings https://www.masstreewardens.org/mtwfa-seedlings/
April 22	Webinar: Promoting Pollinators Through Plant Selection — EPA Integrated Pest Management 2:00pm EST. https://www.epa.gov/ipm/upcoming-integrated-pest-management-webinars
May 29	Event: 2025 Vermont Urban & Community Forestry Conference https://vtcommunityforestry.org/education/vermont-urban-community-forestry-conference
	Newsletter: City Trees — a free bimonthly publication for anyone interested in urban and community forestry at any level. https://ucfsociety.org/city-trees/
	Podcast: This Old Tree — <i>Heritage trees and the human stories behind them.</i> Old trees are awe inspiring links to the past that fire our historical imagination. https://www.thisoldtree.show/



2025 ARBOR DAY POSTER CONTEST



This Year's Theme
Trees Around The World

All 3rd, 4th and 5th grade students across Massachusetts are invited to participate in this annual contest that combines art and science.

For contest rules, information and how to apply visit:
mass.gov/guides/annual-arbor-day-poster-contest

Question? Contact?

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