

SETBACK TREE PLANTINGS

One Tool for Improving Management of Your Urban and Community Forest

What is setback planting?

Setback planting refers to the practice of planting public trees, for the common good, beyond the public right-of-way on private property.

What laws govern setback planting, and are setback trees “public shade trees?”

Massachusetts General Law (MGL) Chapter 87, Section 7, specifically allows towns and cities to plant trees within 20 feet of the public right-of-way, provided that written permission from the adjoining property owner is obtained first. MGL Chapter 87, Section 1 states that trees planted under this provision are defined as “public shade trees” and thus protected by all sections of MGL Chapter 87.

Why consider setback plantings?

The public right-of-way often contains various obstructions and hazards for trees. Limited soil volume, compacted soils, overhead wires, underground utilities, sidewalks, road salt, and passing vehicles all significantly hinder a tree’s ability to thrive and survive. These conditions limit the selection of trees that can be safely and appropriately planted within these zones.

Setback plantings allow public tree managers more flexibility in working with residents to plant “the right tree in the right place.” They can provide trees with more growing space and better conditions under which to survive, and achieve their full potential.

According to the experiences of Tree Wardens around Massachusetts who have been engaging in setback plantings within their communities, setback trees tend to be healthier, more vigorous, develop better canopies and root areas, and receive better care by adjacent property owners than trees planted in similar situations within the right-of-way.

Additional advantages to setback planting include:

- Setback planting can allow for a **partnership** between municipal tree managers and private owners and help make the most of public tree care tax dollars and resources.
- It is an effective way to **work with residents** in selecting and planting the “right tree for the right place.” Resident commitment to take pride and care for “their” trees is therefore amplified.
- There is less chance for tree disfigurement as a result of **fewer conflicts with utilities**.
- This also results in potentially **improved electrical and other utility reliability**.



Greenfield



Springfield



How does setback planting work in practice in different communities?

Brookline: The Town of Brookline has a formal setback planting program. Brookline actively advertises their “Back-of-Sidewalk” program. Property owners interested in a setback tree apply for a tree and sign a formal agreement. Under this program, the town (with input from the owner) will select, plant, and maintain the tree as a public tree for a period of five years. After the initial five-year period, the property owner assumes full ownership and stewardship of the tree. The town provides property owners with information on tree care during this initial period.

Concord: The Town of Concord engages in setback tree planting each spring and fall. Town tree managers have found that in most cases, the area beyond the public right-of-way provides the best conditions for trees to thrive. They work with property owners throughout Town to gain verbal permission for planting, or respond to requests from property owners, and together, town tree managers and property owners select the appropriate location and species for tree plantings. The Town provides the property owner with educational materials on proper tree care, pruning standards, tips on hiring an arborist, and other issues regarding the tree care, including avoiding mulch volcanoes, weed whip and lawn mower damage, and problems with compaction, etc. After two years, the tree is considered a private tree, property owners are expected to take on the ownership and stewardship of the tree, but they do need town permission to remove the tree for any reason.

Worcester: In 2010, the City of Worcester began its Adopt-a-Tree Program, whereby residents could request a setback tree. Residents sign up for a tree and sign a consent form. Once that is approved, the Tree Warden will offer a species and recommend a location. When everyone agrees on species and location, the Department of Public Works and Parks comes to plant the tree. Following the planting, all maintenance is carried out by the resident.

Northampton: The City of Northampton began its Setback Tree Program in 2016. Property owners submit a request for a tree and the Tree Warden visits the site to discuss location, species, and maintenance. The property owner then signs a permission and agreement form that is notarized and filed at the Registry of Deeds. It states that the tree (s) shall be a protected public shade tree under the provisions of MGL, Chapter 87. It also grants permission for the Tree Warden or their designee to enter the property to care for the tree. The local nonprofit Tree Northampton works with the resident to schedule the planting date and plant the tree.

What are the potential disadvantages of setback planting?

Tree Wardens engaged in setback plantings cite few disadvantages to the practice. However, some of the potential disadvantages may include:

- Loss of some streetscape design opportunities such as traffic calming, creating a barrier between pedestrian and vehicular traffic, and creating a tunnel-like design.
- Some loss of municipal control or protection of setback trees.
- The challenges of educating property owners in proper tree care.
- The potential to favor planting in neighborhoods where setbacks are possible and overlook neighborhoods or areas where setbacks are not possible.

Bureau of Forestry

Urban & Community Forestry Program

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In Partnership with the Massachusetts Tree Wardens' & Foresters' Association, this factsheet series is funded in part by a grant from the USDA Forest Service.

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