

LAWS PROTECTING COMMUNITY TREES

Learn about the Massachusetts General Laws that protect public shade trees

In Massachusetts, we are lucky to have state laws that govern and protect our public roadside trees. The best way to learn about these laws is to read them in full. You can do this by visiting your local library or the Massachusetts Legislature website at www.malegislature.gov/Laws/GeneralLaws/. This fact sheet attempts to summarize these laws.

Which Laws Govern Public Trees in Massachusetts?

- Massachusetts General Law, Chapter 87 is the most important law governing public shade trees. It outlines the powers of the tree warden, procedures for removing shade trees, procedures for planting public trees, and penalties for violating provisions of the law.
- Massachusetts General Law, Chapter 40, Section 15C augments Chapter 87 with additional requirements concerning the removal of trees on designated scenic roads.
- Some communities also have local bylaws or ordinances governing the protection of both public and private community trees. For example, some communities might pass a bylaw to protect trees during construction or to protect trees over a certain diameter.

What are the Key Elements of Chapter 87?

- All trees within the public way or on the boundary thereof 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 other 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, trim, or remove any tree, greater than one and one-half inches in diameter, without a public hearing.
- Public notice of a hearing must be posted, at least seven days prior to the hearing, on the trees in question, in two or more public places in town, and in a newspaper of general circulation for the town in each of two successive weeks.
- The tree warden shall not cut or remove a public shade tree if, at or before the public hearing, objection is made in writing by one or more persons, unless such cutting or removal is approved by the select board or by the mayor.

NOTICE Public Hearing for Tree Removal Town of Anytown

In accordance with the provisions of Massachusetts General Laws Chapter 87, Sections 3 and 4, notice is hereby given that a public hearing will be held at 4:00 p.m. on **September 15, 2021** in the town hall meeting room, 123 Main Street to consider the removal of the following tree(s):

Tree type and size: Norway maple, 22 in. (tree diameter)
Tree location: 222 Main Street (address)

Objections to the removal of this tree (or trees) must be received in writing prior to or at the public hearing. Please direct questions about this proposed removal to the tree warden.

Department of Public Works, Tree Warden
123 Public Works Street
City/Town, MA
Phone (123) 456-7890

Sample tree hearing notice



Nantucket

Key State Laws

Mass. General Laws. Ch 87

Mass. General Laws Ch 40, § 15C

Mass. General Laws Ch. 41, § 106



- Any person injured in their property by the trimming, cutting, removal, or retention of any such tree may recover the damages, if any, from the town under Chapter 79.
- Utilities may, or at the request of the tree warden must, file an annual vegetation management plan and or hazard tree removal plan with communities.
- **Finally**, nothing contained in chapter 87 shall prevent the trimming, cutting, or removal of any tree which endangers persons traveling on a highway, or the removal of any tree, if so ordered by the proper officers, for the purpose of widening the highway.

What if a Tree is Located on a Designated Scenic Road?

- No public shade tree may be cut, trimmed, or removed from along a designated scenic road, for the purposes of road repair, maintenance, reconstruction or paving work, without the prior written consent of the planning board after a public hearing.
- The public hearing regarding the cutting or removal of trees along scenic roads shall be consolidated into a single public hearing before the tree warden and the planning board. Notice of the consolidated public hearing shall be given by the tree warden as provided for in Chapter 87.

What if a Tree is Located on a Numbered State Highway?

- The Massachusetts Department of Transportation shall have the care and control of all trees within state highways, and may trim, cut, or remove such trees.
- No public hearing is required.

What Should a Resident do if They Feel These Laws are not being Followed?

- First contact your tree warden to discuss the issue and make sure that the tree warden is aware of the issues involved and these laws.
- You may also want to share this fact sheet with the tree warden, select board, planning board, and other town officials.
- Please contact us if we can be of assistance in any way regarding community trees or forests.
- Finally, consider advocating for the creation of a tree board or committee in your community. Many communities have found that such committees can work effectively with their tree wardens to improve the management, maintenance, and public support for community trees and forests.



New Bedford



Street trees along Main Street,
Wilbraham, 1910

Bureau of Forestry

Urban & Community
Forestry Program

Massachusetts Department of
Conservation and Recreation
251 Causeway Street, Suite 600
Boston, MA 02114

www.mass.gov/dcr/ucf



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MASSACHUSETTS DEPARTMENT OF
CONSERVATION AND RECREATION