

## Public Shade Tree Law

The first version of Public Shade Tree Law was enacted in 1899 in Massachusetts.

All trees within a public way or on the boundaries thereof shall be public shade trees.

### What are the limits of the Public Way?

Each public way consists of the paved surface you see and between 5-20 feet to either side of the pavement that is owned and controlled by the Town.



**Trimming or Removal of Public Shade Tree:** Public shade trees shall not be cut, trimmed or removed, in whole or part, by any person other than the Tree Warden or his deputies, except upon a permit in writing from the Tree Warden after a hearing under C. 87 § 3.

If someone objects in writing to the cutting or removal of a tree at or before a hearing, it may not be removed unless cutting or removal is also approved by the Selectmen.



**Removal of Dangerous Trees:** Tree Wardens and their deputies, but no other person, may without a hearing trim, cut down, or remove trees, less than one and one half inches in diameter in the public way and any other trees ordered by the Selectmen that obstruct or endanger traveling persons.

**Violations:** Violation of the Public Shade Tree Law shall be punished by a fine not to exceed \$500 dollars

**Planting Public Shade Trees:** No tree shall be planted in the public way without the approval of the Tree Warden. Public Shade Trees can be planted as far as 20 feet from the public way with the written consent of the land owner.

## Trees Along State Highways:

MassHighway shall have care and control of all trees within state highways. No such tree shall be cut or removed without a permit from MassHighway.

### Signs or Marks on Public Shade

**Trees:** Whoever affixes to a tree a notice, sign, advertisement or other thing, or cuts, paints or marks such tree, except for the purpose of protecting it or the public under a written permit shall be punished by a fine of not more than \$50.

**Injury to Other Trees:** Whoever without authority cuts, removes, or maliciously injures a tree on a state highway or maliciously destroys or injures, or causes to be destroyed or injured, trees of another person, shall be punished by imprisonment for not more than six months or by a fine of not more than \$500.



## What is the process if I want a public shade tree trimmed or removed?

Application: Contact the Tree Warden or Planning Office to obtain an application.

You will need to submit the following:

- An explanation of why you feel the tree should be trimmed and/or removed
- Photos of the tree and surrounding area.
- Certified list of abutters within 100'

Hearing: After the application is complete, a hearing will be scheduled. You will need to be present to answer questions.

Consideration: The Tree Warden will view the tree(s) in question, and may seek the input of other professionals. The Tree Warden will consider, among other things, whether there is any alternative to causing alterations or removals.

Mitigation: If tree removal is authorized, it is likely that the applicant will have to replant trees in the area at the Tree Warden's direction as replacements, or give a donation to the Town's tree planting fund as mitigation for removal of these public assets.

For questions about this brochure contact:

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The Town of Sutton is a Tree City USA and a Preserve America Community. From our historic mills to our rolling hills, we value our heritage in every form it takes.

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M.G.L. - C. 87



Sutton, MA