

Town of Newbury



New Hampshire

Date Submitted: \_\_\_\_\_

Office Use Only

**Tree/Vegetation Cutting Application in the Protected Shoreland**

**Newbury Conservation Commission (NCC)**

*“If you are planning to cut trees/trim trees or remove saplings or dead trees, in the protective shoreland, this application is a requirement under Article 7 – Shoreland Overlay District – 7.4.3 (Tree Cutting Permit Requirement)”*

Application must be submitted by email to: [conservationcommission@newburynh.org](mailto:conservationcommission@newburynh.org)

**\*All applications that are in the 250 Ft. Shoreland area require to have a licensed Arborist’s evaluation. Your application will be considered incomplete if you do not have an Arborist’s report. Photos are required before and after; email completed photos to NCC.**

Property Owner(s) \_\_\_\_\_

Location/Address of Property \_\_\_\_\_ Tax Map/Lot# \_\_\_\_\_

Property Owner’s Mailing Address \_\_\_\_\_

Owner’s Phone# \_\_\_\_\_ Email: \_\_\_\_\_ Cell Phone# \_\_\_\_\_

Agent’s Name \_\_\_\_\_ Phone# \_\_\_\_\_ Email \_\_\_\_\_

Tree Company: \_\_\_\_\_ Phone# \_\_\_\_\_ Email \_\_\_\_\_

Arborist’s Name \_\_\_\_\_ Phone# \_\_\_\_\_ NH-License# \_\_\_\_\_

Arborist Address: \_\_\_\_\_ Email \_\_\_\_\_

*Before you start your project please review our town ordinances in Article 7. The Shoreland Overlay District. All current zoning regulations are on the town website: [newburynh.org](http://newburynh.org) A shoreland graphic is here on page 3. Applicant must be in compliance with Newbury Zoning Regulations. In Article.7, the directions to conduct the scoring process for the buffer zone Article 7.7.2.5 Starting from your northerly boundary or easterly boundary of the property, and working along the shoreline, the waterfront buffer shall be divided into 25 by 50-foot segments. Within each segments minimum combined tree and sapling sore of at least 25 points shall be maintained. The 150ft. Woodland Buffer and the 250ft have a another scoring. This can be found in the Article 7. Your project may also required compliance with state NH DES State regulations.*

**A Helpful Short list of Zoning Regulations Requirements:**

7.4.3 - **Tree Cutting Permit Requirement:** The Selectboard shall authorize the removal of trees and saplings within the entire Shoreland Overlay District.

7.4.3.1 - All applications for tree cutting in the Shoreland Overlay District shall be reviewed by the Conservation Commission and the Code Enforcement Officer. They will then report to the Selectboard for final authorization of the permit as to compliance with the Zoning Ordinance.

7.4.3.2 - In the event the applicant does not provide sufficient information or Selectboard questions the validity of the information provided, the Selectboard may call upon an independent, qualified consultant, at the Applicant’s expense, to review the materials submitted and or conduct an independent assessment.

**7.7. - Waterfront Buffer-**

7.7.2.2 - Disturbance to the natural ground cover and soil shall be prohibited to minimize erosion and release of sediments into the adjacent waterbody. The following activities are not permitted unless approved by the Selectboard or their designee.

7.7.2.2.1 - No removal of rocks and stumps and their root systems

7.7.2.2.2 - Selective tree cutting methods that result in soil disturbance by mechanical equipment such as, but not limited to, backhoes, skid steers, excavators, bulldozers and graders are prohibited int the 50ft buffer.

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7.7.2.5.2 - Dead, diseased, or unsafe Trees or saplings shall not be included in scoring.

7.8.2.4 - Native species planting efforts that are beneficial to wildlife are encouraged.

7.8.2.5 - Selective trimming, pruning. and thinning of branches when necessary to protect structures, maintain clearances and views if permitted. Selective trimming, pruning and thinning of branches for the purpose of providing views shall be limited to the bottom 1/2 of the trees or saplings. Topping of trees is prohibited.

**Checklist for you, to insure that your project is in compliance with the Newbury Zoning Regulations**

All Zoning Ordinances are on the Town website [newburynh.org](http://newburynh.org) .

**Please check off, if you have read and/or reviewed the following:**

**Article #7 - Shoreland Overlay District**\_\_\_\_\_

**Article #8 - Wetlands Conservation Overlay District**\_\_\_\_\_

**Article #9 - Steep Slopes Conservation Overlay District**\_\_\_\_\_

**Article #21 - Stormwater management**\_\_\_\_\_

**Reviewed State Regulations at** [des.nh.gov/protected-shoreland-faq](http://des.nh.gov/protected-shoreland-faq) \_\_\_\_\_

**Application Requirements: Please attach to your application, Check off when completed:**

- 1.\_\_\_\_Attached is a sketch of your property’s 50 Ft. or 150 Ft.or 250 Ft. waterfront area identifying the locations and species of the trees & saplings to be cut.
- 2.\_\_\_\_Photos of applicable trees or saplings proposed to be removed are attached to this application
- 3\_\_\_\_ Surveyor’s tape is around trees & saplings to be removed. (required for site review)
- 4.\_\_\_\_ Attached is the Arborist’s report to this application.
- 5.\_\_\_\_ Large projects must present to NCC, make an appointment.
- 6.\_\_\_\_ Have you submitted a Tree Application in the last two years? date(s)\_\_\_\_\_
- 7.\_\_\_\_ Do you have a required NH Dept. of Environmental Services (DES) Permit? Yes or No. (circle) Number and date\_\_\_\_\_ Include a copy?\_\_\_\_\_
- 8.\_\_\_\_ Attached are the directions/map to your property.
- 9.\_\_\_\_ Required: that you plan to send photos when project is completed.



Graphic Illustrating the Protected Shoreland - <https://www.des.nh.gov/protected-shoreland-faq>

Each section of the Protected Shoreland has applicable zoning regulations and state regulations.

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**Please Check which area(s) you plan to cut in:**

- 50 Ft. Protected Waterfront Buffer Area
- 150 Ft. Protected Woodland Area
- 250 Ft. Protected Area

**Proposed Removal (how many):** Live Trees  Dead Trees  Saplings  Trimming

**Briefly describe below your reason to remove each tree or sapling or vegetation:**

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***The signer certifies that all information provided in support of this application is true and complete and authorizes onsite inspection by town officials and NCC for the purpose of this application.***

**Property Owner's Signature:** \_\_\_\_\_ **Date** \_\_\_\_\_

**Print Name** \_\_\_\_\_

**Comments: Code Enforcement Officer (CEO):**

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Print Name** \_\_\_\_\_

**Comments: Newbury Conservation Commission (NCC):**

**Signature:** \_\_\_\_\_ **Date** \_\_\_\_\_

**Print Name:** \_\_\_\_\_ **Title** \_\_\_\_\_

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After a site review, the NCC and CEO will give written comments/recommendations to the Selectboard for their review at a Selectboard meeting. Your application will either be approved or denied and may include conditions at that time.

**For the Newbury Selectboard:**

\_\_\_\_ Approved \_\_\_\_ Denied ~ Based on the recommendations of the Arborist, NCC and CEO.

**Conditions:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**Name:** \_\_\_\_\_ **Signature** \_\_\_\_\_ Revised \_\_\_\_\_

Name: \_\_\_\_\_ Signature \_\_\_\_\_

Name: \_\_\_\_\_ Signature \_\_\_\_\_

**Thank you for your application, we strive to protect our sensitive resources and maintain water quality in a healthy robust environment by encouraging compliance with Newbury Ordinances and State laws & rules for the Protected Shoreland.**

**For educational purposes NCC has attached DES Fact for Vegetation in the Protected Shoreland**

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# ENVIRONMENTAL Fact Sheet

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SP-5 2020

## Vegetation Management for Water Quality

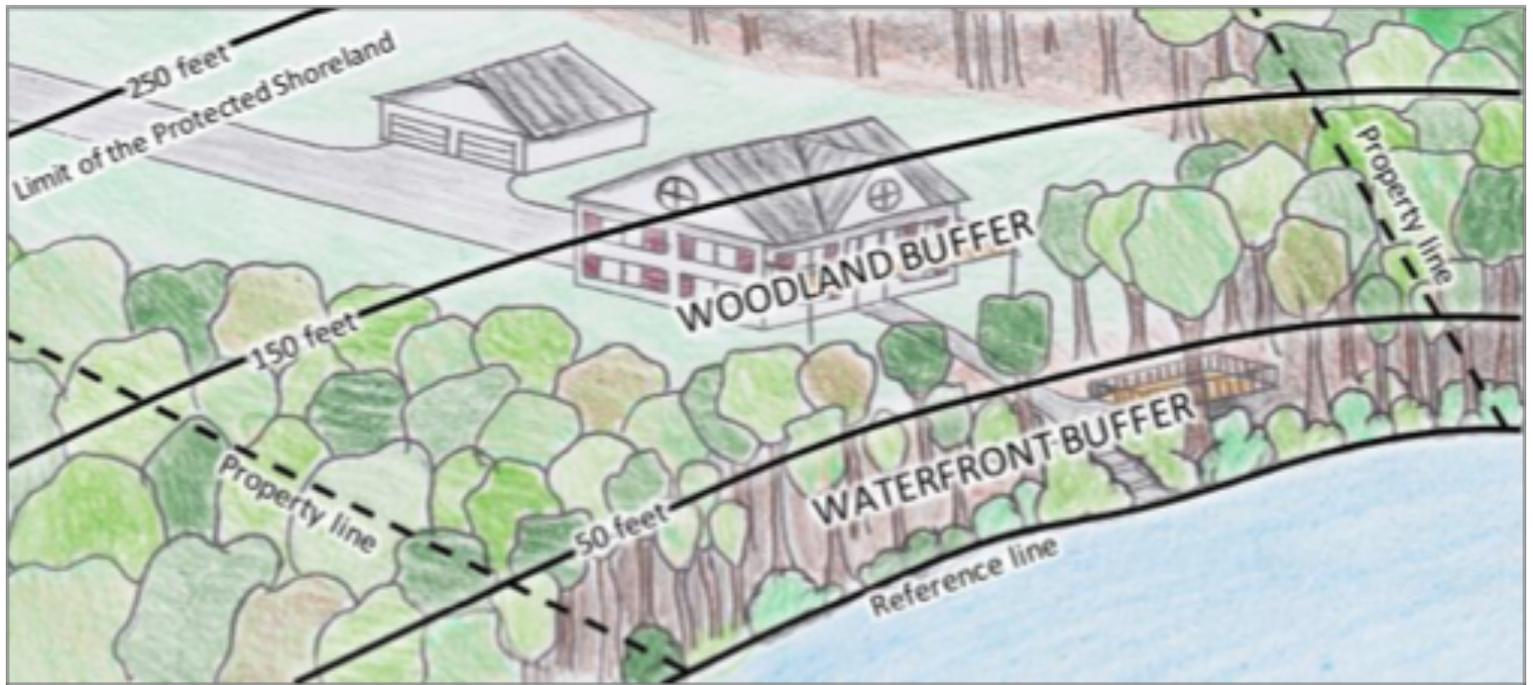
New Hampshire's waterbodies provide benefits we all enjoy: fishing, boating, and natural beauty to name a few. As communities grow and New Hampshire's landscape changes, the quality of our public waters depends on each of us managing the vegetation on our property. Nature's most economical and efficient water purification system is a combination of native shoreland plants.

Revised

Stormwater runoff is water from rain or melting snow that does not soak into the ground. Plants help remove the oils, salt, heavy metals, fertilizers, and other contaminants from stormwater runoff before they enter our lakes and rivers. Even the dense mats of leaves and needles under trees play a unique role in purifying our water. The best vegetation for healthy waterbodies are native plants, such as oaks, pines, willows, and blueberry bushes. Native plants slow down, absorb, and purify much more stormwater than plants with shallow roots typically found in lawns and mulched garden beds. Plus, birds, fish, and insects rely on the shade, protection, and fruits provided by native shoreland plants.

To protect water quality and wildlife habitat, the Shoreland Water Quality Protection Act (SWQPA) regulates the removal of ground cover, shrubs and trees within 150 feet of public waters. This distance is measured from the reference line. Within 150 feet of the reference line there are two regions, the **waterfront buffer** and the **woodland buffer**, shown below (Figure 1). The regulations on vegetation management are different within these regions and are explained in the following pages.

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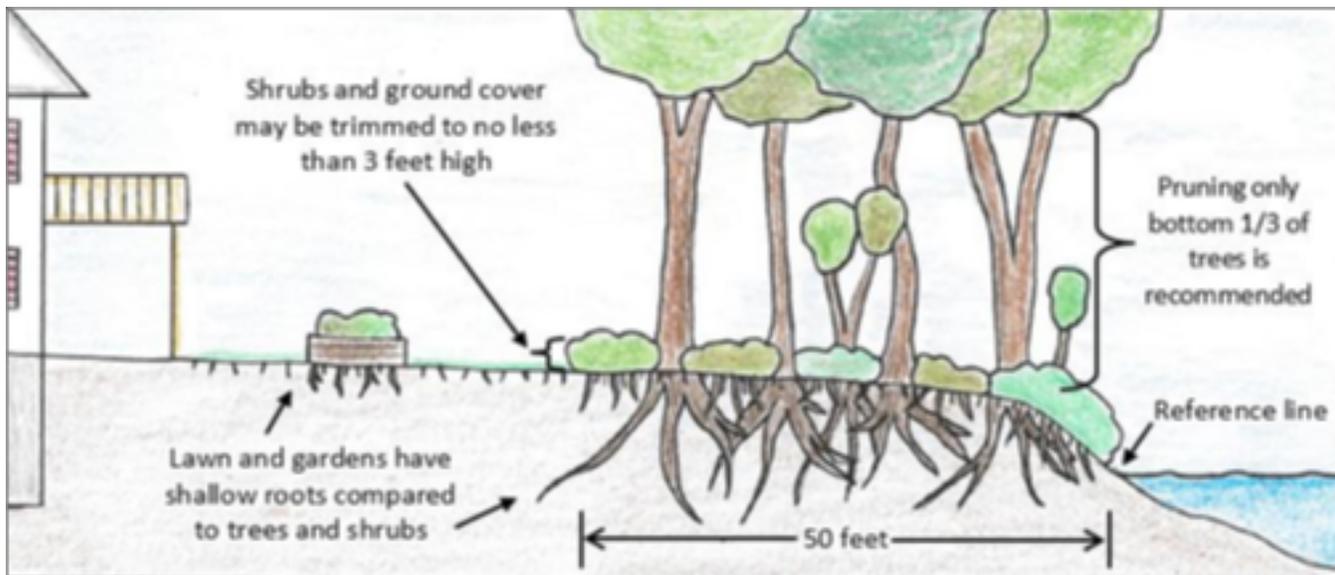
**Figure 1** - Areas within the protected shoreland. Distances are measured horizontally from the reference line

## WATERFRONT BUFFER REQUIREMENTS

Within 50 feet of the reference line, ground cover and shrubs may not be removed and replaced with landscaping or lawn. They may only be removed to provide a single 6-foot wide footpath to the water or to structures in the waterfront buffer (a shoreland permit may be required). Ground cover and shrubs may only be trimmed to a height of no less than 3 feet (Figure 2).

Trees may also be pruned as long as the health of the tree is not endangered. Pruning only the bottom 1/3 of a tree is recommended to maintain property aesthetics and tree health. Always determine if a tree can be pruned before removing it. Pruning trees often increases views while providing wildlife habitat, privacy, and retaining shade.

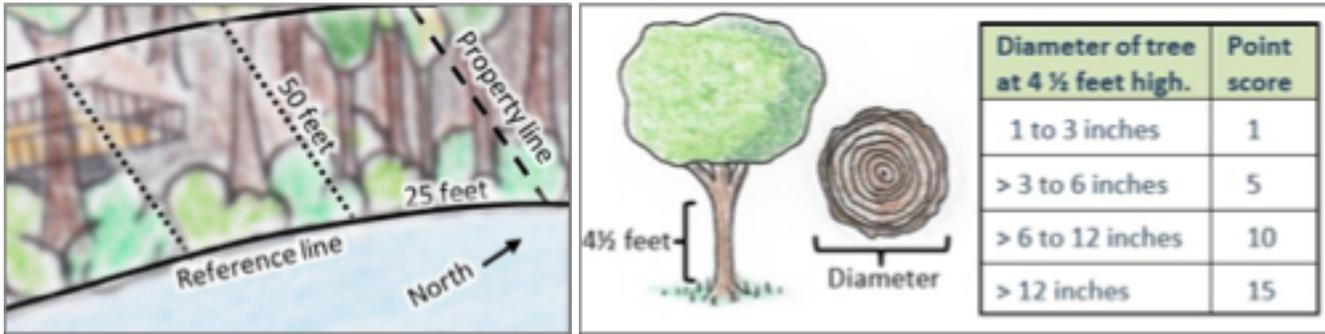
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**Figure 2** - *Waterfront buffer profile view.*

Removing trees and saplings within the waterfront buffer may be permissible, but there are limitations based on a grid segment and point score system. Property owners must maintain a minimum tree and sapling point score within each “grid segment” in their waterfront buffer. They cannot remove trees or saplings from a segment that does not meet this minimum point score. To determine if trees or saplings can be removed, beginning from the northern or eastern property boundary, divide the waterfront buffer into grid segments that are 25 feet along the shore by 50 feet inland (see Figure 3). Properties that have shoreland frontage that does not divide to an even number of 25-foot segments require points in the last segment in proportion to the area of the last segment.

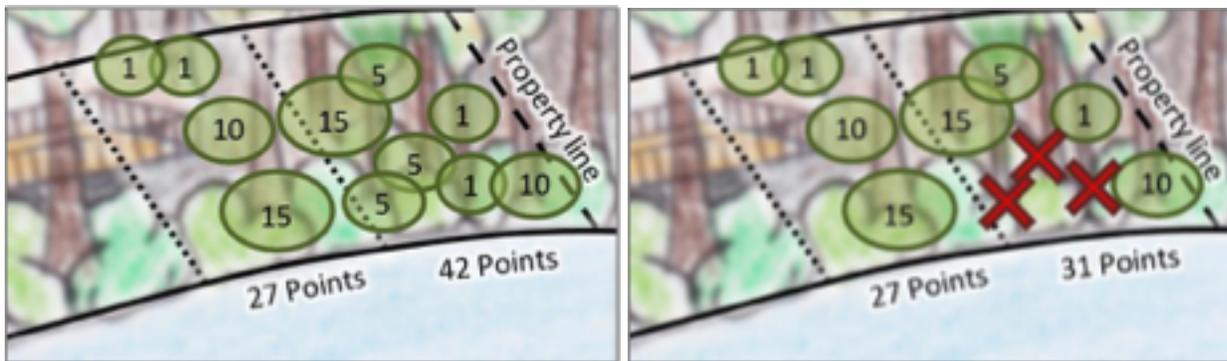
Next, to determine if trees can be removed from a grid segment, calculate the grid segment's total tree and sapling point score. Each tree is awarded a point score based on its trunk diameter (width) 4 1/2 feet above the ground (Figure 4). Dead, diseased or dying trees are not awarded points.



**Figure 3** - Mapping out each grid segment. **Figure 4** - Scoring each tree by its trunk width. Trees or saplings may be removed from any grid segment provided that, after removing the trees or saplings, the sum of the tree and sapling point score within the affected grid segment will be at least 25 points (Figure 5).

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Trees or saplings may be removed from any grid segment provided that, after removing the trees or saplings, the sum of the tree and sapling point score within the affected grid segment will be at least 25 points (Figure 5).



**Before management**

**After management**

**Figure 5** -Managing trees and saplings within the waterfront buffer. Trees and saplings are represented by green circles, labeled with their point scores. Trees and saplings to be removed are indicated by a red “X”. In this example, three trees and saplings were removed.

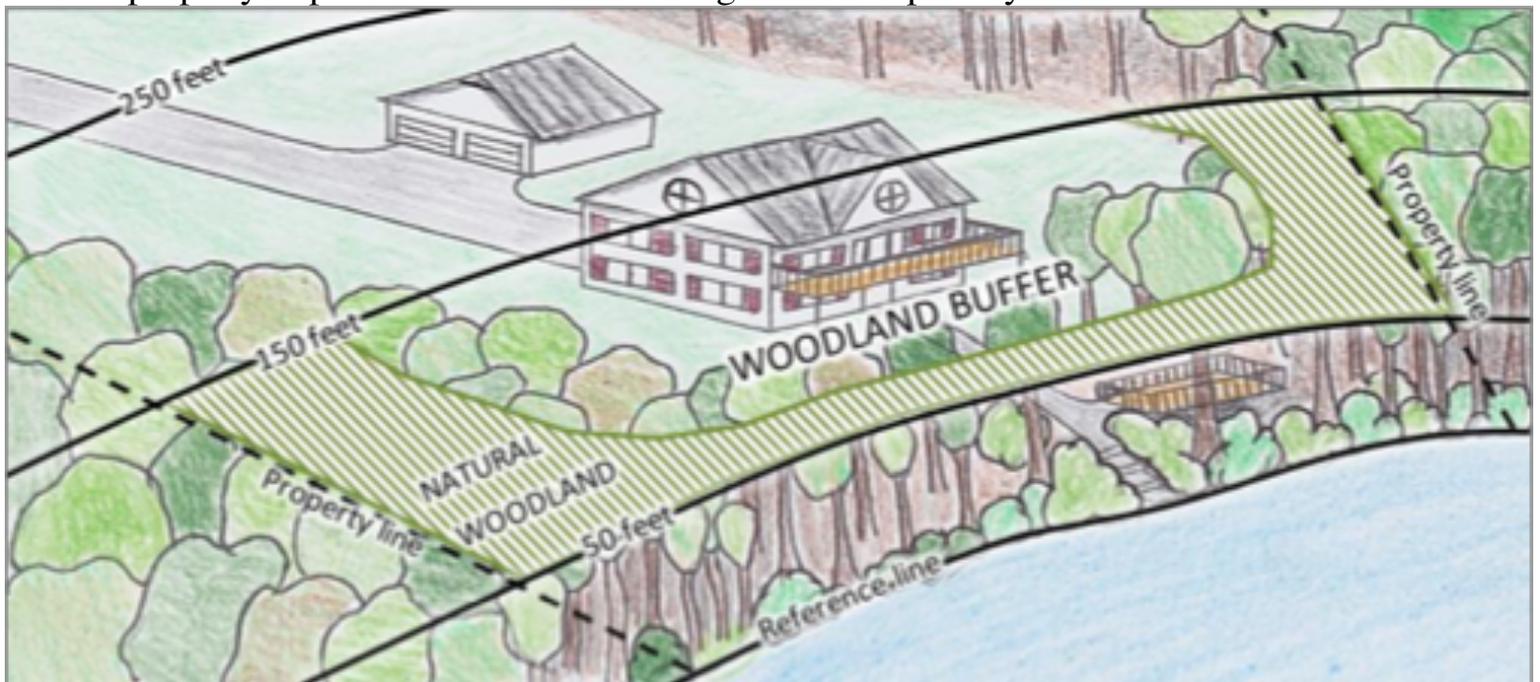
Revised

Property owners are encouraged to manage grid segments by strategically planting additional native saplings, especially within grid segments that do not meet the minimum point score so that, once the saplings are well established and mature, and the grid segment's total point scores increases above 25 points, trees may then be removed.

Within the waterfront buffer, stump removal requires a permit. Stumps that are removed are to be replaced with pervious surfaces, new trees, or other woody vegetation.

## WOODLAND BUFFER REQUIREMENTS

Between 50 and 150 feet from the reference line, at least 25% of this area must be managed as natural woodland where all existing native ground cover, shrubs and trees are allowed to grow. Property owners have the freedom and flexibility to select which region(s) are designated as natural woodland. This area does not have to be contiguous and many people place it on the edges of their property to provide a dense area of vegetation for privacy.



**Figure 6** - At least 25% of the area between 50 and 150 feet of the reference line must be designated as natural woodland to be maintained in an unaltered state or improved with additional vegetation.

Areas of the property with the highest density of native trees, shrubs, and ground cover should be given priority for designating as natural woodland. Managing vegetation within the natural

woodland is done by allowing the native plants to grow without cutting except as needed to maintain or improve plant health.



**Figure 7** - Examples of natural woodland areas. The area on the left has the highest density of native trees, shrubs, and ground cover and thus should be given priority for designating as natural woodland, followed by the area shown in the middle picture. If similar areas were not present on the property, the area shown in the right picture qualify as natural woodland. ‘

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## PERMITTING REQUIREMENTS

- A NHDES shoreland permit is not required for vegetation management provided it occurs in accordance with the limitations described in this fact sheet.
- Any dead, diseased or unsafe tree which has a structural defect and poses an imminent hazard may be cut to ground level at any time without a shoreland permit. NHDES recommends property owners retain documentation of the tree’s condition at the time of removal such as clear photos and written confirmation from a horticultural professional describing the tree’s defect or condition.
- A NHDES shoreland permit is required for excavation, fill, or construction within 250 feet of the reference line. Examples include, but are not limited to removing stumps, constructing most walkways, patios, other structures, or grading. Any earthwork or construction of structures on the bank, in the water, or on the bed of a waterbody are regulated by the NHDES Wetlands Bureau and are subject to the NHDES Wetlands Permitting Process. Areas cleared of ground cover, shrubs, or trees prior to July 1, 2008, in excess of the limits described in this fact sheet, may be maintained but not enlarged. Examples of cleared areas include lawn and mulched landscaped areas.
- Before removing trees, always check local ordinances as well. Many municipalities have standards that are stricter than the NH Shoreland Water Quality Protection Act.

## CHEMICAL APPLICATION

No fertilizer, may be applied within 25 feet of the reference line. Between 25 and 250 feet from the reference line, only slow or controlled release fertilizer may be used. Low phosphate, slow reatest

nitrogen means fertilizer that is guaranteed , as indicated on the package label , to contain:

- \* At most 2% phosphorous and

- \* A nitrogen component which contains at least 50% slow release nitrogen components.

No chemicals, including pesticides, scubas herbicides, or fertilizers of any kind, can be applied to ground, turf or established vegetation within 50 feet of the reference line, except by a professional licensed fro pesticide application by the stat of New Hampshire. This includes organic pesticides. For more details, please see the Shoreland Program fact sheet:”Pesticide Use Within the Protected Shoreland”.

## **FOR MORE INFORMATION**

For more information, please visit [www.des.nh.gov](http://www.des.nh.gov). You may also contact the Wetlands Bureau by phone at (603) 271-2147, via email at [shoreland@des.nh.gov](mailto:shoreland@des.nh.gov), or by mail at 29 Hazen Drive; P.O. Box 95 Concord, NH 03302-0095.

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