

# **Town of Lynnfield Public Shade Trees**

## ***Frequently Asked Questions***

### ***Q: What is a public shade tree?***

**A:** According to Massachusetts General Laws M.G.L. Chapter 87, a public shade tree is "all trees within a public way or on the boundaries thereof...and when it appears in any proceeding in which the ownership of or rights in a tree are material to the issue, that, from length of time or otherwise, the boundaries of the highway cannot be made certain by records or monuments, and that for that reason it is doubtful whether the tree is within the highway, it shall be taken to be within the highway and to be public property until the contrary is shown."

### ***Q: How can I determine if the tree is within the Town's right of way?***

**A:** You can usually determine if the tree is within the Town's right of way based on survey markers or other property boundary features (i.e. fences, walls, etc.). Each public way consists of a paved surface and between 5-20 feet to either side of the pavement that is owned and maintained by the Town. Because the public way distances vary throughout the town, you must contact the Tree Warden for final determination as to the ownership of the tree. Contact the Tree Warden at the Department of Public Works at Town Hall, 55 Summer Street, by phone at (781) 334- 9500 or by email at [jtomasz@town.lynnfield.ma.us](mailto:jtomasz@town.lynnfield.ma.us).

### ***Q: Can I trim/prune a public shade tree?***

**A:** If you wish to do any type of work on a public shade tree, you must contact the Tree Warden in advance. Contact the Tree Warden at the Department of Public Works at Town Hall, 55 Summer Street, by phone at (781) 334- 9500 or by email at [jtomasz@town.lynnfield.ma.us](mailto:jtomasz@town.lynnfield.ma.us).

### ***Q: Is the Town responsible for the landscaping of or the removal of leaves, acorns, branches, etc. from a public shade tree that falls on my property?***

**A:** The Town is not responsible for the landscaping of or the removal of leaves, acorns, branches, etc.

***Q: Who should I contact if the public shade tree presents a risk to my electrical or other utility lines?***

**A:** If a public shade tree presents a risk to your electrical or other utility lines, contact the utility company who owns and/or operates those lines. A utility company, such as the telephone or electric company, will trim a tree that might damage its equipment, for example, limbs are growing into or hanging menacingly over their utility lines.

***Q: What are the penalties for removing a public shade tree?***

**A:** It is unlawful for any person or firm to trim, prune, or remove any Town-owned tree on public property without the advance approval of the Tree Warden. Further, it is unlawful to harm a Town-owned tree by removing or otherwise damaging the bark by attaching signs or any other item to any part of the tree using nails or other devices that puncture the bark. M.G.L. Chapter 87. Section 10 provides for punishment by imprisonment for not more than six months or by a fine of not more than five hundred dollars.

***Q: Who determines what type of public shade tree will be planted?***

**A:** The Tree Warden develops and maintains an up-to-date listing of trees considered most desirable for planting along Lynnfield streets. This list is also available to the public for its consideration of appropriate trees.

***Q: Can I request to have a public shade tree planted?***

**A:** Yes, you may request to have a public shade tree planted; however, that request may or may not be granted by the Tree Warden. If granted and a tree is planted, ongoing care, maintenance, and watering will be the responsibility of the adjacent property owner.

***Q: Whose tree is this? My neighbor's or mine?***

**A:** The location of a tree's trunk usually determines who owns the tree. If the tree's trunk is entirely on one person's private property, that person owns the tree, even if the roots spread under a neighbor's land or the branches hang over it. When a tree trunk straddles a boundary line, the common rule is that it belongs to all the owners of the properties. Usually, each co-owner shares ownership of a tree on a boundary line equally.

***Q: Can I trim my neighbor's tree if it is encroaching on my private property?***

**A:** Yes, property owners have the right to cut off branches and roots that stray into their property; however, a neighbor who cuts back limbs or roots of a tree belonging to someone else must stay within certain guidelines. The neighbor: can trim only up to the boundary line; needs permission to enter the owner's property unless the limbs threaten to cause imminent and grave harm; may not cut down the tree itself; and cannot injure the tree by trimming. Generally, the neighbor who does the trimming must pay for it. Also, it's wise to use a professional tree service whenever possible. If you decide to trim encroaching branches or roots of a neighbor's tree, always inform the tree owner in advance before you trim the tree's encroaching branches or roots.

***Q: Can the Town force a homeowner to trim or cut a tree on private property?***

**A:** No, the Town cannot force a homeowner to trim or cut a tree on private property; however, the Tree Warden can and will advise a homeowner to take a particular action if the tree poses any type of threat. If a homeowner has been warned and/or advised to take a particular action on a hazardous tree and said tree falls, the homeowner is responsible for all damages the tree causes.

***Q: If the roots of a tree are interfering with or lifting a sidewalk, who should I contact?***

**A:** Contact the Tree Warden at the Department of Public Works at Town Hall, 55 Summer Street, by phone at (781) 334- 9500 or by email at [jtomasz@town.lynnfield.ma.us](mailto:jtomasz@town.lynnfield.ma.us).

***Q: Can I donate money to have a public shade tree planted?***

**A:** Yes, donations of money for planting public shade trees are happily accepted. Please contact the Tree Warden.

***Q: Can I donate a tree for planting?***

**A:** Yes, you may donate a tree for planting; however, before purchasing any tree(s), please confirm with the Tree Warden that the tree(s) you are donating is a desired species. All shade trees to be donated/planted should be a minimum of 1.5" caliper. Should it be a choice, the Department of Public Works would prefer monetary donations for the DPW to acquire and plant the trees, rather than donations of physical trees.