

Heritage Tree Removal Permit Application Instructions

On August 3, 2020, the Portland City Council enacted the [Heritage Tree Protection Ordinance](#) to discourage the removal or extensive pruning of Heritage Trees located on private property within the city’s historic districts and to replace the valuable ecological services these trees provide should they be removed.

Permit Requirement:

An approved permit is required to remove, directly or indirectly, any private Heritage Tree in a historic district. The City Arborist may grant verbal authorization for removal of a Heritage Tree in cases of immediate danger to public safety or disruption of public services.

Heritage Trees are:

1. Located on privately owned property in a designated [historic district](#)
2. In at least one of the following categories:

| 24+ inch DBH ¹ | 12+ inch DBH ¹ | Rare/Threatened Native Stands | Designated Champion Tree |
|---|---|---|---|
| Beech (European), Birch, Catalpa, Cherry (Black), Elm, Ginkgo, Hemlock, Hickory (Shagbark), Horse Chestnut, Linden, Locust (Honey), Magnolia (Cucumber), Maple (Red, Sugar), Oak (Burr, Pin, Red, Swamp White, White), Pine, Spruce, Sweetgum, Sycamore, Tulip Tree, and Walnut | Amelanchier, Apple, Chameacyparis, Cherry, Dawn Redwood, Dogwood, Hawthorn, Hornbeam, Magnolia, Maple (Japanese), Mulberry, and Sassafras | American Mountain Ash, Atlantic White Cedar, Pitch Pine, Red Spruce, Shagbark Hickory | Any tree listed on the Maine Department of Agriculture, Conservation & Forestry’s Register of Big Trees |

¹ DBH (Diameter at Breast Height) is the diameter of a tree trunk measured in inches at a height of 4.5 feet above the ground. For trees with multiple trunks, DBH is the combined diameter of the trunks.

Mitigation Requirements:

As a condition of permit approval, the property owner must plant appropriate replacement trees and/or make a payment to the city Tree Trust fund.

Replacement Trees will:

- Conform to species and planting standards as defined by the City Arborist.
- Be planted on the property where the Heritage Trees were removed unless an off-site location is approved by the City Arborist. (Trees planted in the adjacent right-of-way or other public property will not qualify).
- Be planted within 1 year from the date the permit is issued or prior to transfer of property ownership, whichever comes first. Failure to meet this timeline will result in equivalent payment to the Tree Trust.
- Be replaced if they die within 18 months of planting.

Planting and Fee Standards:

- Replacement trees must each be **2-inch caliper***.
- In-lieu payments will be equal to **\$573 per inch** DBH of the removed Heritage tree.
- The total caliper of replacement trees and/or the in-lieu payment amount must be equivalent to the DBH of the removed Heritage tree.
- Payment must be made prior to issuance of the permit.

**Caliper is the diameter of the trunk of a young nursery tree measured at a height of 12 inches above the base.*

Example: 24" DBH Heritage tree removed

Option 1 - Planting:

*24" DBH ÷ 2" caliper = **12 replacement trees***

Option 2 - Payment:

*24" DBH x \$573 per inch = **\$13,752***

Option 3 - Combination:

5 replacement trees AND \$8,022

Waiver of Mitigation Requirements:

The applicant may request a waiver of the requirement for replanting or payment. The request will be approved or denied at the discretion of The City Arborist. Waivers may be considered for reasons including but not limited to: financial hardship associated with tree care and upkeep, unreasonably high requirements for replacement or repayment, and reasonably foreseen damage or risk.

Violation of Ordinance:

If a Heritage Tree is removed without a permit, the property owner must apply for a permit within 30 days of removal. Each following business day without a permit constitutes a separate violation of this ordinance and is subject to the penalties outlined in [Section 1-15 of the Portland City Code](#).

Decision Appeal Process:

An applicant for a Heritage Tree removal permit may appeal the City Arborist's decision to the Director of Parks, Recreation, and Facilities, whose decision will be final.

Please see the full [Heritage Tree Protection Ordinance](#) at the City of Portland website.

- An approved permit is required to remove any Heritage Tree on any private property within a Historic District. A property owner in violation of this requirement will be subject to the penalties outlined in Section 1-15 of the Portland City Code. (City of Portland Code of Ordinances, Chapter 29)
- Approved permits will require the applicant to plant appropriate replacement trees or to make a payment to the City of Portland Tree Trust Fund. (See application instructions for replacement planting and fee standards).
 - Heritage Tree removal and replanting must be completed within 1 year of permit approval.
 - Payment to the Tree Trust Fund must be submitted before work may begin.
- Applications will be reviewed and a determination made by the City Arborist or designee within 21 days.

Property Owner Information:

Name(s) _____

Mailing Address: _____

Email: _____ Phone: _____

Heritage Tree Information:

Address of Tree(s): _____

| | Species of Tree(s) to be Removed | DBH |
|---|----------------------------------|-----|
| 1 | | |
| 2 | | |
| 3 | | |
| 4 | | |

— PLEASE INCLUDE
 YOUR SITE PLAN ON
 THE FOLLOWING
 PAGE —

Note: Diameter at Breast Height is the trunk diameter measured 4.5 feet from the ground

Heritage Tree Loss Mitigation Options: How do you plan to meet the replacement requirements?

Replanting Payment to Tree Trust Fund

Request Waiver: *(Supporting reason for request)* _____

The applicant understands and will comply with all regulations outlined in these permit application materials and the City of Portland Code of Ordinance. The applicant understands they may only perform work as specifically approved by the City Arborist. The applicant gives permission to City staff to perform site inspections as needed. Violation of these terms may result in revocation of this permit and applicable fines (City of Portland Code of Ordinances, Chapter 29)

Owner signature: _____ Date: _____

| CITY ARBORIST'S DETERMINATION | |
|---|--|
| <input type="checkbox"/> Approved <input type="checkbox"/> Approved with Conditions <input type="checkbox"/> Denied | Permit Expires: _____ |
| Reasoning/conditions: _____ | |
| <input type="checkbox"/> Replacement Trees Required <input type="checkbox"/> Payment Required <input type="checkbox"/> Replacement/Payment Waived | Replacement Tree Specifications: Payment Due: _____ Date Paid: _____ |
| City Arborist Signature: _____ Date: _____ | |

SITE PLAN (REQUIRED)

Draw a map of the property in the box provided **OR** include a printed map with the following information:

- Existing trees – label DBH* & Species
- Heritage Trees to be removed – Mark with “X” and label DBH & Species (or use corresponding number from table on page 1)
- Replacement tree planting locations (if applicable)
- Streets, property lines, building footprints, driveway, and any other useful features

* Diameter at Breast Height (DBH) is the trunk diameter measured 4.5 feet from the ground
($Diameter = Circumference \div 3.14$)

Example Site Plan:

