

Massachusetts Law About Neighbors and Trees

Macero v. Busconi Corp., Civil No. 99-03577E (Middlesex Super.Ct.), 12 Mass. L. Rep. 521 (2000). "Massachusetts law recognizes a right of self-help by which a property owner can cut the limbs or branches of a tree that invade his property as long as such cutting is done at the property line. A neighbor has the right to remove so much of the tree as overhangs his property....This court finds that this right to self-help is not confined to those parties who can show that their property was sufficiently damaged to justify their right to exercise self-help. The remedy is open to any party whose property is invaded by intruding boughs and roots."

Michalson v. Nutting, 275 Mass. 232 (1931). The owner of a tree is not responsible for the damage its roots cause to neighboring property, but the neighbor's "right to cut off the intruding boughs and roots is well recognized."