



Programs & Services Committee Agenda

City of Newton In City Council

Wednesday, August 16, 2023

7:00 PM

The Programs & Services Committee will hold this meeting as a virtual meeting on Wednesday, August 16, 2023 at 7:00 pm. To view this meeting using Zoom use this link: <https://newtonma-gov.zoom.us/j/82258162217> or call 1-646-558-8656 and use the Meeting ID: 822 5816 2217.

Items Scheduled for Discussion:

#252-23 Appointment of Janet Huettig to the Health and Human Services Advisory Council

HER HONOR THE MAYOR appointing Janet Huettig, 217 Suffolk Road, Chestnut Hill as a member of the Health and Human Services Advisory Council for a term of office to expire on January 1, 2026. (60 Days: 09/08/23)

#253-23 Appointment of Dr. Carolyn Bernstein to the Health and Human Services Advisory Council

HER HONOR THE MAYOR appointing Dr. Carolyn Bernstein, 111 Dickerson Road, Newton Highlands as a registered physician member of the Health and Human Services Advisory Council for a term of office to expire on January 1, 2026. (60 Days: 09/08/23)

Chair's Note: The Chair will entertain public comment regarding the following two items.

Referred to Programs & Services and Finance Committees

#411-22 Request for Amendment to Chapter 21, Art III Trees to extend tree protection and update permits

COUNCILORS MALAKIE, NORTON, LEARY, RYAN, WRIGHT, LUCAS, HUMPHREY, BOWMAN, MARKIEWICZ, OLIVER, DOWNS, LAREDO, AND GROSSMAN requesting revisions and amendments to Chapter 21, Art. III Trees (sec. 21-60 through 21-89) to extend tree protection to all trees 6 inches DBH (diameter at breast

The location of this meeting is accessible and reasonable accommodations will be provided to persons with disabilities who require assistance. If you need a reasonable accommodation, please contact the City of Newton's ADA Coordinator, Jini Fairley, at least two business days in advance of the meeting: jfairley@newtonma.gov or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.

height) and greater within the City (with no exempt lots); to update tree removal permits, fees, and compensation; and to strengthen protection for existing and replacement trees.

Programs & Services Held 8-0 on 06/07/23

Referred to Programs & Services and Finance Committees

#412-22

Request for Review and Amendments to Chapter 21, Art. III, Division 3

HER HONOR THE MAYOR requesting review and amendments to Chapter 21, Art. III, Division 3, Tree Preservation to increase replacement requirements for larger trees, add protections for smaller trees, limit removal of trees without replacement, enhance procedures for protecting trees, increasing payment required for trees cut without replacement, protect trees on lots adjacent to construction, provide Tree Warden with additional professional input on trees on private properties.

Programs & Services Held 8-0 on 06/07/23

#247-23

Request to place a nonbinding advisory question on the ballot

COUNCILORS LUCAS, WRIGHT, MARKIEWICZ, MALAKIE, AND OLIVER requesting that the following non-binding advisory question be placed on the November 7, 2023 municipal ballot: "Should the Newton City Council vote to adopt a zoning ordinance for Newton village commercial centers so that parcels under 30,000 square feet would have the opportunity to be redeveloped to construct multi-family housing, or a mix of businesses and multi-family housing, in buildings up to 3.5 to 4.5 stories high, without requiring onsite parking and prior approval from the City Council?"

Respectfully Submitted,

Josh Krintzman, Chair



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Office of the Mayor

#252-23

Telephone
(617) 796-1100
Fax
(617) 796-1113
TDD/TTY
(617) 796-1089
Email
rfuller@newtonma.gov

June 12, 2023

Honorable City Council
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

To the Honorable City Councilors:

I am pleased to appoint Janet Huettig of 217 Suffolk Road, Chestnut Hill 02467 as a member of the Health and Human Services Advisory Council. Her term of office shall expire on January 1, 2026 and her appointment is subject to your confirmation.

Thank you for your attention to this matter.

Warmly,

Ruthanne Fuller
Mayor

RECEIVED
2023 JUL -3 PM 3:40
CITY CLERK
NEWTON, MA. 02459

Application Form

Profile

Janet _____ E _____ Huettig _____
 First Name Middle Initial Last Name

 Email Address

217 Suffolk Rd _____
 Home Address Suite or Apt

Chestnut Hill _____ MA _____ 02467 _____
 City State Postal Code

What Ward do you live in?

Ward 7

 Primary Phone

 Alternate Phone

Retired _____
 Employer Job Title

Which Boards would you like to apply for?

Health and Human Services Advisory Council : Submitted

Interests & Experiences

Please tell us about yourself and why you want to serve.

Why are you interested in serving on a board or commission?

After nearly fifty years working in the field of health and human services as a social worker, I am now retired. I have lived in Newton for 45 years and would like to participate and share my expertise as a member of the Health and Human Services Advisory Council.

[2023 Janet Resume JH edits.docx](#)

Upload a Resume

Janet E. Huettig
217 Suffolk Rd
Chestnut Hill, Massachusetts 02467

Education

CAGS (Certificate of Advanced Graduate Study) Health Care Administration,
Simmons College
Interpersonal and Organizational Skills in Management, Harvard University
M.S. Simmons Graduate School of Social Work
Certificate for Secondary School Teaching, Suffolk University
B.A. Wellesley College

Licensure/Certification

Board Certified Diplomate in Clinical Social Work, American Board of Clinical
Examiners in Social Work
Diplomate in Social Work, National Association of Social Workers
Licensed Independent Clinical Social Worker (LICSW) in Massachusetts
Academy of Certified social Workers (ACSW), National Association of Social
Workers
Massachusetts Teaching Certification for Secondary School Social Studies

Professional Experience

2013-2020	Director of Social Work, Volunteers, Spiritual Care and Music Therapy, Massachusetts Eye and Ear (MEE)
1992-2013	Director of Social Work/Case Management, MEE
1990-1992	Chief Social Worker, Social Work Department, MEE
1982-1990	Supervisor and Eye Social Work Unit Chief, MEE
1978-1982	Supervisor, ENT Social Work Unit, MEE
1971-1978	Clinical Social Worker, Eye and ENT Units, MEE
1970-1971	Clinical Social Worker, Veteran's Hospital, Bedford, Massachusetts

Academic Appointments and Teaching

2004-2020	Research Associate in Ophthalmology, Harvard Medical School
1996-2004	Instructor in Ophthalmology, Harvard Medical School
1987-1996	Lecturer for Biopsychosocial Issues of Visual Impairment Course, Harvard Medical School

1977-2019	Practice Placement Supervisor, Simmons School of Social Work
1986	Lecturer for course on Illness and Disability, Simmons School of Social Work
1987	Guest Lecturer for course on Adjustment to Illness and Disability, Salem State BA Social Work Program
2015-2017	Practice Placement Supervisor, Lesley University Music Therapy Program

MEE Hospital Committees

2015-2020	Patient Care Leadership Team
2012-2020	Co-chair, Patient Family Advisory Council
2000-2020	Community Benefits Advisory Committee
1993-2020	Human Studies Committee (Investigational Review Board)
1993-2020	Ethics Committee
1992-2020	Disaster Safety Subcommittee
1992-2020	Joint Commission Task Force
1990-2020	Hospital Leadership Group
1977-2020	Utilization Review Committees for Eye and ENT
2004-2013	Domestic Violence Task Force
1995-2020	Medical Records Review Committee
1992-1996	Inpatient Ophthalmology Multi-disciplinary Committee
1986-1993	Co-chair, Social Service Advisory Committee
1986-1992	Patient Education Committee
1977-2020	Patient Care Committee

Appointments

2004-2006	Health Care Administration Alumnae Board, Simmons College
1998-2000	MEE Social Work Department Community Educational Initiative – Coordinated and presented educational programs on vision and hearing loss for health care professionals in the Greater Boston Community
1993-1996	Board of Directors of Healthfront Home Health Services
1992-1998	Regional Chairperson, Massachusetts Society of Hospital Social Work Directors
1992	Peer Review on Clinical Practice Guidelines for Management of Functional Impairment due to Cataract in the Adult, Independent

- Panel Commissioned by the Agency for Home Care Policy and Research, US Public Health Service
- 1991 Fundraising Committee, National Society of Social Workers Annual Conference
- 1990 Chairperson of Hospitality, National Society of Social Work National Conference
- 1989-1992 Advisory Committee, Massachusetts Commission for the Blind
- 1988-1991 Regional Representative, Board of Massachusetts Society of Hospital Social work Annual Conference
- 1979 Advisor, United Way Community Planning task Force to study information and referral patterns among agencies serving the visually impaired
- 1977-1982 Advisory Committee, Mental Health Services for the Deaf and Hearing Impaired
- 1973-1975 Alumnae Council Board, Simmons School of Social Work

Professional Affiliations

- 2007-2020 Boston Teaching Hospitals Social Work Directors
- 2015-2020 Board member Friendship Works of Boston
- 2016-2019 Friendship Works, Liaison to "Far Sighted Team for Visual Impairment"
- 2007 Boston Teaching Hospitals Social Work Directors/ NASW Collaborative Group
- 1995-2020 National Society for Social Work Leadership in Health Care
- 1988-2014 American Board of Examiners in Social Work
- 1982-1999 Massachusetts Federation of Agencies Serving the Visually Impaired
- 1977-1983 National Association of Oncology Social Workers
- 1971--- National Association of Social Workers

Research and Publications

Participation and collaborative research project between Boston Teaching Hospital Social Work Directors and Smith College School of Social Work to identify key issues, leading to referrals for social work in hospital and the types of interventions that social workers provide in response to these referrals (2008-2010).

Patient and Staff Perceptions of Social Work Counseling before Surgical Therapy for Head and Neck Cancer, *Health and Social Work*, Volume 40, Issue 2, May 2015, Pages 120-124

Life Stage Adjustment Issues for the Adult Blind Person. Huettig JE, in Albert DM and Jakobiec, FA (eds): *Principles and Practice of Ophthalmology*. Published in 1994, 2nd edition published in 2000.

Coping with Blindness: The Importance of the Ophthalmologist in Referral. *Journal of Visual Impairment and Blindness*, 1979.



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Office of the Mayor

#253-23

Telephone
(617) 796-1100
Fax
(617) 796-1113
TDD/TTY
(617) 796-1089
Email
rfuller@newtonma.gov

June 12, 2023

Honorable City Council
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

To the Honorable City Councilors:

I am pleased to appoint Dr. Carolyn Bernstein of 111 Dickerson Road, Newton Highlands 02461 as a registered physician member of the Health and Human Services Advisory Council. Her term of office shall expire on January 1, 2026 and her appointment is subject to your confirmation.

Thank you for your attention to this matter.

Warmly,

Ruthanne Fuller
Mayor

RECEIVED
2023 JUL -3 PM 3:39
CITY CLERK
NEWTON, MA, 02459

Application Form

Profile

carolyn _____ Middle Initial _____ Last Name _____

_____ Email Address _____

111 Dickerman Rd _____ Home Address _____

111 Dickerman Rd _____ Suite or Apt _____

Newton Highlands _____ City _____

MA _____ 02461 _____ State Postal Code

What Ward do you live in?

Ward 7

_____ Primary Phone _____ Alternate Phone _____

Brigham and Womens Hospital _____ physician _____ Employer Job Title

Which Boards would you like to apply for?

Health and Human Services Advisory Council : Submitted

Interests & Experiences

Please tell us about yourself and why you want to serve.

Why are you interested in serving on a board or commission?

I have been a lifelong resident of Newton, and have tremendous respect and affection for the city. I would like to contribute my 30 plus years of expertise as a practicing physician to this council if/when an opportunity arises. I have a strong interest in community focused health advocacy and outreach, and would welcome the change to contribute.

[Bernstein CV August 2022.docx](#)
Upload a Resume

**Harvard Medical School
Curriculum Vitae**

Date Prepared: May 12, 2022

Name: Carolyn A. Bernstein, MD

Office Address: BWH Osher Clinical Center Suite 422
850 Boylston St
Chestnut Hill, MA 02467

Work Phone: [REDACTED]

Work Email: [REDACTED]

Place of Birth: Boston, MA

Education

09/78-06/82	AB (Honors)	American History	Brown University
07/82-08/83	Research assistant	Cardiac Muscle Research Lab.	Boston Medical Center
	MD		Boston University
09/83-05/87		Medicine	

Postdoctoral Training

06/87-06/88	Intern	Medicine	Boston City Hospital Boston, MA
07/88-06/91	Resident	Neurology	New England Medical Center, Boston, MA

Faculty Academic Appointments

1992-2006	Instructor	Neurology	Harvard Medical School
2006-	Assistant Professor	Neurology	Harvard Medical School

Appointments at Hospitals/Affiliated Institutions

1982-1983	Research Assistant	Department of Medicine	Boston Medical Center
1991-1992	Neurologist	Medical Staff	Neurological Services PC

			Framingham, MA
1992-1997	Consulting Neurologist (Courtesy Staff)	Medical Staff	Mt. Auburn Hospital Cambridge, MA
1992-2003	Consulting Neurologist	Medical Staff	Youville Rehabilitation Hospital, Cambridge, MA
1992-2005	Consulting Neurologist	Medical Staff	Harvard University Health Service
1992-2005	Consulting Neurologist	Medical Staff	MIT Health Service Cambridge, MA
1992-2009	Neurologist	Medical Specialties Center	Cambridge Hospital Cambridge Health Alliance
1992-2009	Neurologist	Medical Staff	Cambridge Health Alliance
1992-2009	Associate Neurologist	Neurology	Massachusetts General Hospital, Boston, MA
2006-2009	Physician and Director	Women's Headache Clinic	Somerville Hospital, (Cambridge Health Alliance)
2009-2015	Neurologist	Department of Anesthesia, Critical Care and Pain Medicine and Department of Neurology	Beth Israel Deaconess Medical Center, Boston, MA
2015-	Associate Neurologist	Department of Neurology	Brigham and Women's Hospital, Boston, MA
2021-	Lavine family Distinguished Chair in Neurology		Brigham and Women's

Major Administrative Leadership Positions
Local

1992-2009 Director, Neurology Resident Teaching

Cambridge Hospital,
Cambridge, MA

1994-2009	Director, Neurology Section, Patient-Doctor II	Neurology Section, Patient-Doctor II, Cambridge Hospital, Cambridge, MA
2000-2006	Director, Multiple Sclerosis Support Group	Cambridge Health Alliance
2000-2009	Director, Headache Clinic	Cambridge Health Alliance
2001-2007	Clinical Director, Medical Specialties Center	Cambridge Health Alliance
2004-2009	Clerkship Director, Neurology	Harvard-Cambridge Integrated Clerkship, HMS
2005-2009	Co-Director, Division of Integrative Therapies	Cambridge Health Alliance
2009-2015	Clinical Director, Harvard Medical Faculty Physicians Comprehensive Headache Center	Beth Israel Deaconess Medical Center, Boston, MA

Regional

2020-	Director, Patient Outreach Responsible for planning patient sessions at Professional HCNE meetings to educate on latest migraine treatments and supports	Headache Cooperative of New England
-------	---	-------------------------------------

Committee Service

Local

1996-2002	Executive Council	Youville Rehabilitation Hospital, Cambridge, MA
2001-2003	Executive Committee	Cambridge Health Alliance
2002-2009	Physicians Health Committee	Cambridge Health Alliance
2004-2009	Chair	
2002-2009	Committee to Revise Third Year Clerkship	Harvard Medical School
2014-2015	Ethics Liaison Committee	Beth Israel Deaconess Medical Center
2016-	Financial Committee	Department of Neurology, BWH

2019	Chair, Finances Committee	Department of Neurology, BWH
2018-	Physician Wellness Committee	Department of Neurology, BWH
2020- School National	HMS Task Force to Address Racism	Harvard Medical
2020-	Advisory Board Member	Association of Migraine Disorders

Professional Societies

1991-	American Academy of Neurology
2000-	AB Baker Committee for Teaching and Education
2017-	Integrative Neurology section
2001-	Ad hoc Reviewer for Practice Recommendations in Headache
2017	'Neuroscience is Cool' Committee
2016-	Neurohealth and Integrative Neurology Committee
2022-	Vice Chair, Neurohealth and Integrative Neurology Committee
2009-	American Headache Society
2014-	Fellow
2017-	Integrative Therapies Section
2017 -	Women's issues Section
2020 -	Vascular Neurology Section
2015-	North American Menopause Society
2015-	Headache Cooperative of New England
2019-	Member, The Academy at Harvard Medical School The Academy is responsible for professional development of faculty who teach in the MD program. Its role is also to develop and support a community of leaders in education and a culture of excellence in teaching and learning, to foster the careers of educators in medicine and science, to provide programming to improve the skills of teachers, to stimulate and support the creation and implementation of innovative approaches to learning and assessment, and to support educational research and scholarship in medical and graduate education. -Attend meetings, working on curriculum development
2021-	Board of Directors, Scholarship Selection Committee, Community Outreach

Brigham and Women's Hospital

2022- Massachusetts Medical Society

Editorial Activities

- **Ad Hoc Review**

Headache

Up to Date

Cephalagia

New England Journal

Menopause

- **Other Editorial Activities**

- | | | |
|-------------------------|--|--|
| 2005 | Contributing Editor, Journal Watch, Neurology | <i>New England Journal of Medicine</i> 2005:7(6) |
| 2013 | Co-Editor (with A. Bailey); <u>Pain in Women: A Clinical Guide</u> | Springer |
| 2017 | Co-Editor (with T. Takoudes); <u>Medical Problems During Pregnancy</u> | Springer |
| 2022
(2022—in press) | Co-Editor (with O. B. de Dhaem; Headache: What You Do Next? | Oxford Press |

Honors and Prizes

- | | | | |
|---------------------------------|---|-------------------------------|------------------------|
| 1998 | Teaching Award | Cambridge Health Alliance | Excellence in Teaching |
| 2002,
2003,
2004,
2005 | Mention, Patient Doctor students | Harvard Medical School | Excellence in Teaching |
| 2003 | Citation, Excellence in Neurologic Education | American Academy of Neurology | Excellence in Teaching |
| 2005 | Nomination, Clinical Teaching Award | Harvard Medical School | Excellence in Teaching |
| 2006 | Faculty Award for Teaching Excellence, Clinical Years | Harvard Medical School | Excellence in Teaching |

2007	Leonard Tow Award for Humanism in Medicine	Harvard Medical School, Arnold P. Gold Foundation	Excellence in Teaching
2007	Headache Healthcare Provider of the Year	National Headache Foundation	Clinical Excellence
2018	Partners in Excellence Award	BWH	Community Outreach
2020	Nomination, Dean's Award for Community Service	Harvard Medical School	Community Service
2022	Pillars of Excellence Award.	BWH	Patient Care

Report of Funded and Unfunded Projects

Current:

- 2016-2020 IMPACT Study: Chiropractic Care for Migraines
Palmer Chiropractic, Osher Center at HMS
Role: Co-Investigator (PI: Peter Wayne PhD)
Pilot study looking at reduction in headache days and other measures for patients with moderate frequency migraines receiving a personalized chiropractic intervention.
- 2016- Group Visits for Integrative Care Techniques for Migraine Patients
Lavine Family Initiative—Philanthropic donation
Role: PI
Direct costs: \$5000
Project looking at a curated multi-session group visit for migraine patients to teach multiple non-drug self-care techniques; 22 10 patient groups have now been completed
- 2016- Brain Science for Third Graders
Boston Scientific (grant via community outreach)
Role: PI
Direct costs: \$30,000; funded with community outreach grant from Boston Scientific and private philanthropic funding
Elementary school brain science teaching project, working with neurology residents, teachers in the Boston Public Schools and BWH community outreach
- 2018- ACT for Migraines
Lavine Family Initiative—Philanthropic donation
Role: PI

Direct costs: \$500,000

Pilot study using Acceptance and Commitment Therapy (ACT) for high frequency migraine patients to look at improvement in quality of life, decreased headache days and artificial intelligence and cortisol level testing

In conjunction with cognitive neuroscience at MIT, now pivoted to virtual intervention

2021- BWell Grant Recipient

Co-PI on study to reduce physician burn-out at BWH with evaluation of in-basket burden

Current Unfunded Projects

2019- Fertility and Migraine: A Longitudinal Study

PI

Pilot study assessing migraine variables during IVF, in conjunction with Boston IVF

Report of Local Teaching and Training

Teaching of Students in Courses:

1992-2009	Patient-Doctor II, Neurology Section 2 nd year medical students	Harvard Medical School Six 4-hour sessions per year
2002-2009	Patient-Doctor II. 2 nd year medical students	Harvard Medical School Two students, 2 clinics per month, several times per year
2002	HMS SIGN Group Medical student interest group	Harvard Medical School Lecture, 20 students
2004-2009	Cambridge Integrated Clerkship: Confusion, Back Pain, Headache, and Stroke lectures Medical students	12 students, 4 3-hour sessions per year Four 3-hour sessions per year
2004-2009	Neurology Curriculum 3 rd year medical students	Harvard Medical School
2005-2015	Healer's Art Course on language and human connection in medicine for 1 st year medical students based on national	Harvard Medical School Four 3-hour sessions per year

	curriculum by Rachel Remens MD	
2022	Simulation session, Lumbar Puncture students, 3 hrs	HMS First Year
Formal Teaching of Residents, Clinical Fellows and Research Fellows (post-docs):		
1992 - 2009	Neurology Conferences Psychiatry residents	Cambridge Hospital Four 1-hour sessions per year
2009-2015	Case Conferences Anesthesia fellows	Arnold Pain Management Center, BIDMC 6 hours/year
2011, 2015	Headache Management and Psychiatric Co-morbidities Psychiatry residents	Beth Israel Deaconess Medical Center. 1 hour/year
2015	Headache Management During Pregnancy Obstetrics and Gynecology residents	Beth Israel Deaconess Medical Center. 1 hour/year
2016-2019	Headache Management, Primary Care residents	BWH 2 hours/year
2017-	Multiple teaching sessions for Headache fellows	BWH 4 sessions/year
2018, 2019, 2020, 2021, 2022	Headache Management, Neurology residents	BWH 4 hours/year
2019	Headache Case Conference Workshop, Fish Center Physicians	BWH 1 session per year
2022 session	Integrative Neurology, Neurology residents	BWH. 1
Clinical Supervisory and Training Responsibilities:		
1992-2009	Preceptor in Neurology for primary care, pre-psychiatry, and other residents, Cambridge Hospital	10 hours/week
1992-2009	Supervision of 4 th year medical students on Neurology rotation	One to two months per year
2004-2009	Preceptor in Neurology, Cambridge	2004-2009 (32 hours)

	Integrated Clerkship students, Harvard Medical School	per week of teaching and supervision)	
2009-2015	Preceptor in Pain Management for fellows, Headache Center at Beth Israel Deaconess Medical Center	18 sessions/year	
2009-2015	HMS students, BIDMC neurology residents, BCH residents	1 resident/med student per month	
2015-	Headache Fellowship Preceptor, BWH John Graham Headache Center	8 hours/week	
2015-	HMS students, BWH Primary Care residents	4 hours/month	
2017-	Preceptor, BWH Neurology Resident Clinic	4 hours/month	
2020- 2021	Preceptor, Women's Neurology Fellow.		four 4-hour sessions/month

Formally Supervised Trainees and Faculty:

1999-2000	Susan Walker, MD/Child Psychiatry Attending Physician, Cambridge Hospital Mentored as a Pre-Psychiatry Intern.		
2002-2004	Anne Brewster, MD/Attending Physician, Women's Health Clinic, MGH Mentored as a Senior Resident at Cambridge Hospital		
2004-2005	Jennifer Siegel MD/ Assistant Professor of Medicine, Boston Medical Center		
2004-2005	supervised and mentored as CIC student in longitudinal neurology teaching, CHA/ HMS		
2005-2006	Jennifer Radesky MD/Assistant Professor of Pediatrics, University of Michigan supervised/mentored as CIC student, supervised Grand Rounds presentation at CHA/HMS		
2007-2008	Michael Tang MD/Child Psychiatrist, Dimock Health Center supervised/mentored as CIC student, precepted in longitudinal evaluation and development of care plan for patient with Parkinson's, CHA/HMS		
2008-2009	Erica Kaye MD/Pediatric Oncologist, St Jude's Medical Center supervised/mentored as CIC student, longitudinal evaluation and		

care delivery for neurology patients CHA/HMS

2016- Sarah Zaman MD/Pediatric Hospitalist, Seattle Children's supervised/mentored as CIC student, precepted presentation at HMS conference on "Headache" CHA/HMS

2016- Emily Ferenczi MD Neurology resident/fellow at BWH, mentoring in education project for school children. Nominated her for AAN award (received), poster presentation and curriculum development for this project

Andrea Harriott MD PhD BWH Headache fellow, now attending MGH, supervised recent master's degree project, participated in thesis defense, now supervising fertility research project

2016-17 Yulia Orlova MD, BWH Headache fellow, mentored advised, supervised, assisted with career planning Currently Asst Professor of Neurology, University of Florida

2017-2018 Angeliki Vgontzas MD, supervised as Headache Fellow BWH, mentored, prepared case presentation which led to publication, Currently Instructor in Neurology. HMS

2018-2019 Jennifer Hranilovich MD, mentored and supervised as BWH Headache Fellow, advised on research projects and use of CIM in headache care, currently Asst Professor Pediatrics- Neurology, U Colorado

2019-2020 Alise Pham OD mentored and supervised as BWH Headache fellow, assisted with research project on CGRP mabs for migraine, now private practice in Carlsbad, CA

2019-2020 Eric Kaiser MD PHD mentored and supervised as BWH headache fellow, lectured on CIM for headache and other topics, currently Instructor in Neurology, UPenn Med School,

2019- Olivia Begasse de Dhaem MD—mentored, supervised, co-authored publication as BWH Headache fellow, have submitted book proposal to Oxford press jointly, currently instructor in Neurology, Columbia U. School of Medicine and faculty Stamford Health Center

2020- Onasis Soto, BWH Community Outreach Scholarship student, now attending college,

Mentoring him as a pre-med and helping him to prepare his application for medical school

2021-2022. Brittany Mays MD—mentored and supervised during headache fellowship, co-writing research paper on Craniosacral Therapy for Post-Concussive Headache

2021-2022 Jasmin Harpe MD—supervised during headache fellowship, mentoring and co-writing research paper on Fertility and Migraine

Formal Teaching of Peers:

No presentations below were sponsored by outside entities.

2002-2004	Workshop on Headache Primary Care Principles and Practice Course Harvard Medical School	Single presentation annually Boston
2009	Headache and Facial Pain CME Course, Harvard Medical School	Lecture and several panel discussions
2009, 2010	Headache Management Current Concepts in Headache, Harvard Medical School and Beth Israel Deaconess Medical Center	Single presentation annually
2010, 2011	Headache Workshop Primary Care: Principles and Practice Harvard Medical School	Single presentation Boston
2013, 2014	Principles and Practice of Pain Medicine HMS CME	Single presentation, Boston
2016, 2017, 2108, 2019, 2020, 2021,2022	Update in Primary Care: Headache HMS CME	Single presentation, Boston
2020, 2021. 2022	Complementary and Integrative Medicine for Headache and Pain, HMS CME	Single presentation, Boston
2020, 2021,2022	CIM for Headache and Pain, Neurology for the Non-Neurologist, HMS CME	Single presentation, Boston

Local Invited Presentations:

No presentations below were sponsored by outside entities.

- 1992-2000 Neurology Topics/Medical Grand Rounds (4 per year)
Cambridge Hospital, Cambridge, MA
- 2003 Hormonal Headaches/Grand Rounds
Obstetrics and Gynecology, Cambridge Hospital, Massachusetts
- 2003 Update on Multiple Sclerosis /Nursing Education Seminar
Cambridge Health Alliance, Massachusetts
- 2004 Headache / Nursing Education Seminar
Cambridge Health Alliance, Massachusetts
- 2004 Migraines / Nursing Education Seminar
Cambridge Health Alliance, Massachusetts
- 2005 Hormonal Migraines / Grand Rounds
Facial Pain Group, MGH, Massachusetts
- 2005 EEG Interpretation
Psychiatry Conference, Cambridge Hospital
- 2006 Migraine: Diagnosis and Treatment/Medical Grand Rounds
Cambridge Hospital, MA
- 2007 Headache and Facial Pain
MGH/Tufts Facial Pain Group, Boston
- 2009 Headache and Facial Pain
MGH/Tufts Facial Pain Group, Massachusetts
- 2010 Headache Identification / Grand Rounds
Massachusetts Eye and Ear Infirmary, Massachusetts
- 2010 Headache Management
Harvard Primary Care Group, Boston
- 2010 Headache Classification
Health Care Associates, Beth Israel Deaconess Medical Center
- 2011 Headache and Stress
Hebrew Rehabilitation Center, Boston
- 2013, 2015 Management of Refractory Headache, Principle and Practice of
Pain Medicine, BIDMC Department of Anesthesia, Critical Care
and Pain Medicine

- 2016 Integrative Medicine in Neurology
Brigham and Women's Hospital
- 2016 Osher Center Grand Rounds
Brigham and Women's Hospital
- 2017 Presentation for Amgen on Migraine Impact
HMS External Education
- 2017 Osher Center Grand Rounds
Brigham and Women's Hospital
- 2022 Women's Health speaker on Migraine and Menopause
MGH/HMS
- 2022 Headache for ENT specialists
Mass. ENT Society

Report of Regional, National and International Invited Teaching and Presentations

Regional

No presentations below were sponsored by outside entities.

- 2000 Secondary Stroke Prevention/Medical Grand Rounds
Bedford VA Hospital, Massachusetts
- 2001-2002, TIA and Stroke / Medical Grand Rounds
- 2005 Youville Rehabilitation Hospital, Massachusetts
- 2018 Headache in Women
Mass. Neurologic Association
Boston, MA
- 2020 Neurology Grand Rounds, Hormones and Headaches
Dartmouth College School of Medicine, Hanover NH (virtual)
- 2020 Headaches and Hormones
Fenway Community Health Center
Boston MA
- 2021 Complementary and Integrative Medicine for Headache and
Pain
Headache Cooperative of New England Stowe Meeting

National

Those presentations below sponsored by outside entities are so noted and the sponsor is identified.

- 2006 Management of disabling migraine episodes
Women's Health Congress
UCLA Medical School, San Diego, CA (Reed-Elsevier)
- 2007 Strategies for managing patients with migraine
UCLA Medical School, San Diego, CA (Reed-Elsevier)
- 2010 Headache classification and management
American College of Physicians National Meeting, Toronto,
Canada
- 2011 Update on Migraine with Aura / Neurology Grand Rounds
Johns Hopkins University, Baltimore, MD
- 2015 Injections and Surgical Options for Headache
Breakthroughs in Neurology, American Academy of
Neurology
Phoenix, AZ
- 2017 Integrative Medicine Workshops for Migraine Patients: The
Power of the Group Academy of Integrative Health and
Medicine, San Diego, CA
- 2019 Neurology Grand Rounds, Hormones and Headaches
Georgetown University School of Medicine, Washington DC
- 2020 Headache Grand Rounds, CIM for Headache and Pain
Children's Hospital of Pennsylvania (virtual)
- 2020 Neurology Grand Rounds, Telemedicine for Headache
Providers,
Wake Forest Medical Center, Winston-Salem, North Carolina
- 2020 Grand Rounds, Institute of Medicine and the Humanities,
Complementary and Integrative Medicine in the Experience
of Pain
University of Montana (virtual)
- 2021 American Academy of Neurology, Presentation on Integrative
Neurology, (virtual)
- 2021 American Headache Society, "A Physician's Perspective on Treating
Headache Patients During the Pandemic (virtual)

- 2021 "Management of Migraine during Mid-life and Menopause", North American Menopause Society National meeting, Washington DC (live)
- 2022 "Headache Management", American College of Physicians National Meeting, Chicago, IL

International

No presentations below were sponsored by outside entities.

- 2008 Women's Headache: Symptoms and treatment
Daiuke Hospital, Nagoya, Japan
- 2015 Headache Management
International Association for the Study of Pain
Buenos Aires, Argentina
- 2021 Complementary and Integrative Medicine for Headache and Pain
Besta Neurologic Institute.
Milan, Italy
- 2021 Headaches and Hormones, Neurology Grand Rounds, Sheba Hospital, Tel Aviv, Israel
- 2021 Complementary and Integrative Medicine for Headache, University of Sao Paulo, Brazil
- 2022 Headache Evaluation and Cases, Royal College of Surgeons, Dublin, Ireland

Report of Clinical Activities and Innovations

Current Licensure and Certification:

- 1990 Massachusetts Board of Registration
- 1994 American Board of Psychiatry and Neurology (Neurology)
- 2004, 2014 Recertification, American Board of Psychiatry and Neurology (Neurology)
- 2008, initially, Headache Medicine, United Council for Neurologic
recertified Subspecialties
through 2028
- 2021- Licensed in Vermont, New Hampshire, Maine,
Connecticut, Rhode Island, Florida

Practice Activities:

- | | | |
|-----------------------|---------------------------|-----------------------------|
| 1991-2006 Neurologist | Cambridge Health Alliance | Five clinical sessions/week |
|-----------------------|---------------------------|-----------------------------|

2006-2009 Headache Medicine		Opened and directed Women's Headache Center at Cambridge Health Alliance; conceptualized multi-disciplinary headache center for women with integrative specialists co-located, taught residents and medical students, developed national referral base Recruited to Anesthesia to direct Translation Research and clinical Headache Center
2009-2015 Headache Medicine	BIDMC	
2015- Headache Medicine	BWH Neurology, Division of Headache Medicine	Six sessions per week

Clinical Innovations:

Women's Headache Center (2006-2009) Director, Women's Headache Center at Cambridge Health Alliance—conceptualized unique model to include patients in designing a multidisciplinary center including traditional neurologic care and integrative therapies in one setting. Had patient workgroups to help design the practice. Within a month of opening, practice was saturated with referrals and continued to expand, drawing from a national base.

Author of unique patient-focused nonfiction book about migraine (2008)

The Migraine Brain, Free Press (Simon and Shuster), published in US, UK, Romania and Czech Republic. Book was number 1 in science and health on Amazon sellers for first week. National Television appearances including The Today Show and Unavision. Interviewed by Terri Gross for NPR in addition to 30 plus appearances on national radio. Book to date has sold over 32K copies. This book is unique in that it focuses on both evidenced data about migraine management as well as patient stories of their own experiences. This has generated national and international referrals.

Harvard Medical Faculty Physicians Comprehensive Headache Center at BIDMC (2009-2015) Patients bring the book to their consultations and describe the impact on their lives. It continues to be an 'evergreen", selling in print and electronic forms. Director, HMFP Comprehensive Headache at BIDMC—founder and director of translational research center on site with clinical care within Anesthesia Department, built panel of over 3000 patients, pioneered exercise interventions, expressive art therapy, yoga workshops and research opportunities including NIH funded study on photophobia and migraine

IMPACT study (2017 - 2020)

The Migraine Toolbox (2016 - present) Research funding received for pilot project "IMPACT study" to look at chiropractic care for migraine patients. Served as Co-I, screened all patients, developed protocol, now reviewing outcomes and writing research articles. Plan to use pilot data to prepare application for major grant funding and expansion

2017- Conceptualized and developed **The Migraine Toolbox**, a unique group visit for migraine patients to offer community, shared experience and education about self-care, mindfulness, integrative therapies and nutrition. To date, we have run 30 groups, registering 10 patients per group, and are collecting data to share this as a "best practice" initiative. Sessions are now taught on Zoom, and curriculum is shared nationally

Major gift recipient for projects in Integrative Medicine for Migraine and Pain Management—workshops, mindfulness research, neuroimaging of Pain, yoga/art therapy for patients with pain and headache, yoga for other neurologic diagnoses. Donor has agreed to ongoing support for these projects. Expect to use outcomes data and patient reviews to add these non-drug therapies into standard of care for patients with pain and headache. Developing new treatment paradigms that shift focus from purely medication to patient self-care and integrative therapies as evidenced.

Report of Teaching and Education Innovations

- 2016- Have designed curriculum for integrative medicine workshops for headache and pain patients with superb feedback, have presented on this unique approach at national meetings, shared curriculum nationally via publication and presentation
- 2016- Member of "Neuroscience is Cool" workgroup at AAN; initiated education program for neurology residents around community service for third grade brain science teaching project in the Boston Public Schools. This program focuses specifically on under-resourced students to connect them with scientists and physicians. Have developed this project in concert with BWH Community Service, received grant funding from pharma, brought internationally acclaimed speaker for day of outreach and activities, have delivered consistent STEM teaching in Boston Public schools 3rd and 4th grade classrooms, working with and co-teaching with neurology residents. Recipient of multiple philanthropic gifts
- 2017, 2018, 2019, 2020, 2021 Educator, Summer Science Academy in Boston, a program for high school students from under-resourced inner-city schools to learn about neuroscience. Developed curriculum and for summer 2020, pivoted to an online program after receiving a donor gift of 35 laptops that made the experience possible for these students

Report of Education of Patients and Service to the Community**Activities**

- 1995- American Academy of Neurology/Instructor
Developed and taught clinical neurology course to elementary school children in Newton, including basic neuroanatomy, with pictures and 3D representations, lab work, neurology of senses, and mechanisms of brain injury. did workshop with third graders at Nathan Hale School in Boston about the brain and sensory systems. This led to development of current Brain Science is Cool project which I am currently leading.

- 2001 Cambridge Senior Center/Lecturer
Lecture on strike and stroke.
- 2004 Cambridge YMCA/Lecturer
Lecture for the public on migraine headache
- 2004 Somerville Geriatric Center/Lecturer
Lecture on dementia.
- 2004 Somerville Senior Center/Lecturer
Lecture on aging and dementia.
- 2008 Today's Show, Fresh Air, WHYY, WILL, KGO, KMOX,
numerous others: /Interviewee
Discussion about migraine headache
- 2008 MSNBC, Newsweek, Boston Magazine, Newton Tab, Marie
Claire, Cosmopolitan, Healthnet Radio, Doctor Radio,
Martha Stewart Living Radio, Fox TV, People Magazine /
Interviewee
Interviews on the migraine brain
- 2010 The London Times, London Standard, BBC, Natural
Living/Interviewee
Interviews on headache
- 2011 Monadnock Summer Lyceum lecture "How to Protect your
Brain"
- 2012, 2015 CNN, Broadcasts on cycling and migraine, art therapy and
migraine
- 2016 NPR, Fresh Air: broadcast on CBT and headache
Reuters News: Financial Burden of Headache
- 2019 Self Magazine

Shape Magazine, Crowd Science (BBC), Medium

Books, monographs, articles and presentations in other media

No presentations below were sponsored by outside entities.

- 2008 Migraine Brain Author **Bernstein C, McArdle E. The Migraine Brain: Your Breakthrough Guide to Fewer Headaches**, Better Health. New York: Free Press, 2008. Published

in Brazil, England, Australia,
Romania

2017-	<i>Harvard Health Newsletter</i>		
	Acupuncture for Headaches	January 2018	Bernstein CA, Langevin H
	A Neurologist Talks about Kids and Headaches	February 2018	Bernstein CA
	Active Mind/Body, Healthy Mind/Body	February 2018	Bernstein CA, Bullock CBB
	CGRP: A New Era for Migraine Treatment	March 2018	Bernstein CA
	How to Talk to your Doctor about Medication	April 2018	Bernstein CA
	Take Control of Your Health Care: Exert Your Patient Autonomy	May 2018	Bernstein CA
	An Insider's Guide to a Hospital Stay	August 2018	Bernstein CA, Bullock CB
	Discontinuation Syndrome	April 2019	Bernstein CA, Bullock CB

Report of Scholarship

Peer-Reviewed Publications in print or other media Research Investigations:

1. Rosman NP, Gottlieb SM, **Bernstein CA**. Acute hemorrhagic leukoencephalitis: recovery and reversal of magnetic resonance imaging findings in a child. *J Child Neurol*. 1997;12(7):448-54.
2. Ogur B, Hirsh D, Krupat E, Bor D, Batalden M, **Bernstein C**, Callahan J, Cohen P, Elvin D, Garcia M, Gaufberg E, Gaufberg S, Ghosh A, Gutterson W, Shaffer K, Shtasel D. The Harvard Medical School-Cambridge Integrated Clerkship: An Innovative Model of

- Clinical Education. *Academic Medicine*. 2007;82. 397-404.
10.1097/ACM.0b013e31803338f0.
3. Gerber MR, Fried LE, Pineles SL, Shipherd JC, **Bernstein CA**. Posttraumatic stress disorder and Intimate partner violence in a women's headache center. *Women Health*. 2012 Jul; 52(5):454-71.
 4. Buettner C, Nir RR, Bertisch SM, **Bernstein C**, Schain A, Mittleman MA, Burstein R. Simvastatin and vitamin D for migraine prevention: A randomized, controlled trial. *Ann Neurol*. 2015;78(6):970-81. PubMed Central PMCID: PMC4715556
 5. Maleki N, **Bernstein C**, Napadow V, Field A. Migraine and Puberty: Potential Susceptible Brain Sites, *Semin Pediatr Neurol*. 2016 Feb;23(1):53-9.
 6. Nosedá R, **Bernstein CA**, Nir RR, Lee AJ, Fulton AB, Bertisch SM, Hovaguimian A, Cestari DM, Saavedra-Walker R, Borsook D, Doran BL, Buettner C, Burstein R. Migraine Photophobia originating in cone-driven retinal pathways, *Brain*. 2016 Jul;139(Pt 7):1971-86.
 7. Nosedá R, Lee A, Nir RR, **Bernstein CA**, Kainz V, Bertisch S, Borsook D, Burstein R. Neural Mechanism for Hypothalamic Mediated Responses to Light During Migraine. *Proc Natl Acad Sci U S A*. 2017 Jul 11;114(28):E5683-E5692. doi: 10.1073/pnas.
 8. Nir, RR, Lee A. **Bernstein CA**, Fulton A, Bertisch S, Hovaguimian A, Buettner C, Borsook D, Burstein R. Color-selective photophobia in ictal vs interictal migraineurs and in healthy controls. *Pain*. 2018 Oct;159(10):2030-2034.
 9. **Bernstein CA**, Nir RR, Nosedá R, Fulton AB, Huntington S, Lee AJ, Bertisch SM, Hovaguimian A, Buettner C, Borsook D, Burstein R. The Migraine Eye: Distinct Rod-Driven Retinal Pathways' Response to Dim Light Challenges the Visual Cortex Hyperexcitability Theory. *Pain*, 2019 Mar;160(3):569-578.
 10. Grazzi L, **Bernstein C**, Raggi A, Sansone E, Grignani E, Searl M, Rizzoli P. ACT for migraine: effect of acceptance and commitment therapy (ACT) for high-frequency episodic migraine without aura: preliminary data of a phase-II, multicentric, randomized, open-label study. *Neurological Sciences*. 2019 May;40(Suppl 1):191-192. 10.1007/s10072-019-03802-w.
 11. Rist P, Hernandez A, **Bernstein C**, Kowalski M, Osypiuk K, Vining R, Long C, Goertz C, Song R, Wayne PM. The Impact of Spinal

Manipulation on Migraine Pain and Disability: A Systematic Review and Meta-Analysis. *Headache*. 2019 Apr;59(4):532-542

12. Starling A, Tepper S, **Bernstein C**, Ailani J, Zhang F, Paiva da Silva Lima G, Chou D, Benefit of Migraine Prevention with Erenumab in Patients Receiving Background Standard-of-care Acute Treatment *Neurology* Apr 2020, 94 (15 Supplement) 1381;

13. Wayne PM, **Bernstein C, (co-first author)**, Kowalski M, Connor JP, Osypiuk K, Long CR, Vining R, Macklin E, Rist PM. The Integrative Migraine Pain Alleviation through Chiropractic Therapy (IMPACT) trial: Study rationale, design and intervention validation, *Contemporary Clinical Trials Communications*. 2020 March; Volume 17 (100531)

13. **Bernstein C (co-first author)**, Connor JP, Kilgore K, Rist P, Osypiuk K, Kowalksi M, Wayne P. Perceptions of Chiropractic Care among Women with Migraine: A Qualitative Study. *Manipulative and Physiological Therapeutics*, 2021

14. Rist P, **Bernstein C (co-first author)**, Kowalski M, Osypiuk K, Connor JP, Vining R, Long CR, Macklin E, Wayne PM . Chiropractic Care for Migraine: A Pilot Randomized Control Study, *Cephalalagia*, 2021

15. Acceptance and commitment therapy for high frequency episodic migraine without aura: Findings from a randomized pilot investigation Licia Grazzi MD1| Frank Andrasik PhD| Paul Rizzoli MD| **Carolyn Bernstein MD** | Emanuela Sansone MSc| Alberto Raggi PsyD PhD. *Headache* 2021: 00; 1-11

Other Peer-Reviewed Scholarship:

1. **Bernstein CA**, Burstein R. Sensitization of the Trigeminovascular Pathway: Perspective and Implications to Migraine Pathophysiology *J Clin Neurol*. 2012 Jun;8(2):89-99

2. Maleki N, **Bernstein C**, Napadow V, Field A. Migraine and Puberty: Potential Susceptible Brain Sites. *Semin Pediatr Neurol*. 2016;23(1):53-9

3. Pavlovic, JM, Akcali, D, Bolay, H, **Bernstein, C**, Maleki N. Sex-related influences in migraine. *Journal of Neuroscience Research*, 2017. 95: 587-593. Jan 2017 doi:10.1002/jnr.23903
4. **Bernstein CA**, Shifren J, Maleki N. Need for Migraine/Menopausal Research. *Headache*. 2018 Nov;58(10):1670-1674.
5. **Bernstein C**, Wayne PM, Rist PM, Osypiuk K, Hernandez A, Kowalski M. Integrating Chiropractic Care Into the Treatment of Migraine Headaches in a Tertiary Care Hospital: A Case Series. *Global Advances in Health and Medicine*. 2019; 8. 216495611983577. 10.1177/2164956119835778.
6. Beaton-Starr M, Rist PM, Connor JP, Wayne PM, Osypiuk K, **Bernstein C**. Development and Implementation of the Integrative Toolbox for Headache Management Headache 2020 Jan 9
7. Begasse de Dhaem, O, **Bernstein C**. Bedside Manners to Website Manners; Telemedicine for Headache during Covid 19, Headache June 2020
8. **Bernstein C**, O'Neal MA, Migraine and Menopause: A Narrative Review, Menopause 2021
9. **Bernstein CA**. Evaluation of Headache in Patients with Cancer, Cancer. 2021 Oct 4.

Non-peer reviewed scientific or medical publications/materials in print or other media

Proceedings of meetings

1. Rizzoli, Paul & Burch, R & Wainger, B & **Bernstein, C** & Loder, E. (2013). The Risk of Serotonin Syndrome with Concomitant Use of Triptan Antimigraine Drugs and SSRI/SNRI Antidepressants: A Population-Based Surveillance Study. 22-23. 2013 Conference Paper, International Headache Congress of the International Headache Society.

Reviews, chapters, monographs and editorials

1. **Bernstein CA.** Management of disabling migraine episodes. *Practical Neuroscience* 2007:12-4.
2. **Bernstein CA.** Strategies for managing patients with migraine. *Practical Neuroscience* 2008: 12-15.
3. **Bernstein CA.** Headache in Women. *In: Pain in Women: A Clinical Guide*, Bernstein and Bailey, Eds. Springer 2013.
4. **Bernstein CA.** Headache and Pregnancy. *In: Medical Problems During Pregnancy*, Bernstein and Takoudes, Eds. Springer 2017.
5. Vgontzas A, Papke DJ, **Bernstein CA.** Giant Cell Arteritis. *Headache*, 2018. 58. 883884.10.1111/head.13331.
6. **Bernstein CA;** A New Credential for my CV: Zoom Concierge, *AMWA Journal*, 2020:v35, N4

Professional Educational Materials or Reports, in print or other media

1. **Bernstein CA.** Syllabus including tutorial cases to primary care residents during their neurology rotation at Cambridge Health Alliance. 1992-2009
2. **Bernstein CA.** Neurology Core Curriculum for Integrated Clerkship at Cambridge Health Alliance 2004-5
3. **Bernstein CA,** O'Neal MA, video presentation, *Menopause Journal*, 2020, "Menopause and Migraine"
4. **Bernstein CA.** Complementary and Integrative Medicine for Pain and Headache (electronic CME lecture). *In Samuels MA: Neurology for Non-Neurologists.* Birmingham, AL: Oakstone Publishing, 2020.

Abstracts, Poster Presentations and Exhibits Presented at Professional Meetings (last 3 years):

1. Hirsh D, Batalden M, **Bernstein C,** Cohen P, Elvin D, Garcia M, Gauferg E, Gauferg S, Ghosh A, Meyer R, Shaffer K, Shtasel D, Gutterson W, Ogur B. The Harvard Medical School Cambridge Intergrated Clerkship--Two Years' Experience, 2005.

2. Ferenczi E, **Bernstein C**, Neuroscience is Cool: Neurology Residency Teaching Outreach to Boston Elementary School students Harvard Medical School Medical Education Day 2017
3. "Green Light alleviates Migraine Photophobia", Nosedá, Reuven-Nir, **Bernstein C**, Borsook,, Buettner, Burstein Abstract American Academy of Neurology, 2017
4. IMPACT Study for Migraine treatment using Chiropractic care, **Bernstein et al**, poster American Headache Society 2018
5. Migraine Toolbox: Group Visits for Migraine Patients, **Bernstein et al**, poster AHS 2019
6. Poster Amgen, AAN 2020, AHS 2020

Consulting

1. Amgen consulted on migraine-related projects 2017-2020
2. Percept consultant on novel migraine-related wearable 2017-ongoing
3. Neurolytic consultant for migraine telehealth genetic diagnosis and treatment 2021-ongoing

Tree Ordinance Summary

21-80 – Findings, intent, and purpose

- Updated the findings section of the ordinance to reference the effects of climate change, the benefit of mature trees, and protecting public health.

21-81 – Definitions

- Removed the definitions of “Exempt Lot” (*but see* section 21-82, which articulates exemptions).
- Removed the definition of “Tree Manual” (but updated references throughout the ordinance)
- Changed minimum DBH (Diameter at Breast Height) of a Protected Tree from 8” to 6”.
- Replaced reference to Tree Manual in Pruning Standards with the “most current ANSI A300 Pruning Standards”
- Added the following definitions:
 - Hedge
 - Landmark Tree (trees larger than 40” DBH to 55” DBH)
 - Legacy Tree (trees larger than 55” DBH)
 - Lot
 - Risk Tree Evaluation
 - Significant Tree (trees larger than 25” DBH to 40” DBH)
 - Tree Plan
 - Tree Protection Plan
 - Tree Save Area

21-82 – Applicability, permit or certificate of exemption required

- Current tree ordinance exempts property owners, who continuously own and occupy the property for 18 months after tree removal, from tree replacement requirements. The tree warden may waive the requirement to continuously own and occupy the lot for 90 days prior to tree removal, as long as the owner intends to own the lot for 21 months after certificate of occupancy is issued after construction on the property.

- This ordinance eliminates the owner-occupied exemption and replaces it by exempting:
 - I. single and two family lots where no exterior construction is underway or planned for the next 24 months;
 - II. no trees to be removed meet the Landmark tree designation; and
 - III. the owner obtains an exemption permit.
- If construction does take place within 24 months following the removal of the trees the current property owner will be required to comply with replacement requirements.
- Publicly owned tree are exempt under the current ordinance, and continue to be exempt under the proposed ordinance.

21-83 – Permit Application

- The current ordinance requires an administrative fee for processing a tree permit of \$150.
 - The proposed ordinance increases the fee from \$150 to \$200, but creates an exemption permit for the removal of a dead or significantly compromised tree being, for which there is no charge. (Updated ordinance requires documentation of a dead, diseased, injured or dangerous tree to be provided to the Tree Warden by a certified arborist.)
- The current ordinance contains several requirements for tree permit applications. Updates to the requirements are shown in parentheses below.
 - A plan of the parcel being developed that shows the existing conditions and limit of proposed work; (Updated to include “plan”)
 - Tree plan that shows the location, type and size of each tree to be removed. (Plan must now include all trees 5” DBH or larger and all trees removed within the last 24 months);
 - (Updated to include requirement of documentation from a Certified Arborist if any trees are dead, diseased, injured, or a threat to public safety);
 - A statement from a Certified Arborist detailing how each tree will be protected and maintained if any grade changes will affect or

- endanger any protected tree (Updated to included the Tree Save Area of a protected tree on the applicant's lot or an abutting lot);
- The method of protecting the remaining protected trees on the lot (Updated to add protection of trees on abutting lots during construction or tree removal); and
- (Updated ordinance adds requirement for exterior work involving tree removal that a certified arborist must prepare a Tree Protection Plan, which will be filed with the tree permit application)
- (Updated to allow the Tree Warden to waive any of the permit application requirements if no exterior construction is planned, but an application with supporting documentation must still be filed)
- Abutters to a lot applying for a tree permit will be automatically notified.
- The current ordinance requires the tree warden to consider, when deciding to grant or deny an application, whether an existing tree interferes with existing structures, utilities, streets, sidewalks or other existing improvements. The updated ordinance requires documentation of the interference to be filed with the Tree Warden.
- The updated ordinance clarifies that the Tree Warden may prescribe additional parameters and requirements around the protection of trees remaining on the lot or within a reasonable distance from the lot.
- Under the proposed ordinance, a certified arborist must acknowledge that all protective measures are in place before exterior work, site disturbance, or tree removal may begin.
- A copy of the tree permit must be displayed in a visible location on the worksite.
- The current ordinance prohibits the Commissioner of Inspectional Services from withholding a certificate of occupancy due to the suspension or revocation of a tree permit.
 - The updated ordinance allows the Commissioner of Inspectional Services to consider the suspension or revocation of a tree permit for issuing a stop-work order or to withhold issuing a certificate of occupancy.
- Regarding an appeal of a decision by the Tree Warden to grant or deny a permit, the updated ordinance requires the Mayor to consult with all

Councilors from the ward where the trees are located. The updated ordinance also requires notice of the decision to be provided to the Clerk of the Council and each abutter.

21-84 – Activities not requiring a permit

- The current ordinance exempts tree pruning from requiring a tree permit. The updated ordinance updates a tree manual reference to ANSI A300 pruning standards.

21-85 – Tree Replacement

- Replacement trees must be of the same or similar species (as advisable by the Tree Warden). Change to the ordinance clarifies that, unless approved by the Tree Warden, hedges will not count as replacement trees.
- Replacement tree DBH currently has to match the DBH (cumulatively) of the removed trees, which have a DBH of 8” or greater.
 - Updated ordinance would amend that requirement according to the following:
 - Trees with a DBH of 6” to 25” must be replaced 1:1
 - Trees with a DBH of greater than 25” and up to 40” must be replaced 1.5:1
 - Trees with a DBH of greater than 40” and up to 55” must be replaced 2:1
 - Trees with a DBH of greater than 55” must be replaced 3:1
- Replacement trees were previously required to live for 18 months. Updated ordinance prohibits the removal of a replacement tree without a permit and requires all replacement trees to be treated as if they are between 6-25” unless they are larger. (See replacement requirements)
- Updated ordinance exempts, from the tree replacement requirements, a cemetery meeting the following conditions:
 - Cemetery is a Level II, Level III, or Level IV arboretum;
 - The cemetery submits an annual report on the trees on the property to the Tree Warden; and
 - The cemetery employs a Certified Arborist on its staff.

21-86 Tree Replacement Fund

- The tree ordinance establishes a tree replacement fund and allows those responsible for planting replacement trees to contribute to a fund in lieu of planting the replacement trees. The current ordinance requires the payment to equal the amount to replace the trees being removed. Updated ordinance would require the payment to include the cost to replace the trees (in accordance with the enhanced schedule), adds the cost to maintain the trees for the first five years, and adds the environmental impact of the removed trees. The updated ordinance would also require the tree warden to annual publish the cost chart.

21-88 Enforcement

- The tree warden is authorized to enforce the ordinance, including notifying violators of the violation.
 - If the tree ordinance is being violated, the tree warden may also issue a stop-work order on any protected tree, or lot on which a protected tree is located. The updated ordinance brings abutting lots under the purview of enforcement because the ordinance has been expanded to protect trees on abutting lots to work being done.

DIVISION 3. TREE PRESERVATION

Sec. 21-80 Findings, intent, and purpose.

The city council has determined that many trees are being lost ~~due to without replacement incident to~~ demolition of existing buildings in order to construct new buildings and lot clearing in connection with the construction of new buildings on ~~both developed and~~ previously undeveloped land. The city council has further determined that trees have been lost, severely damaged or disfigured through excessive or improper pruning or other than natural causes. The result is a net loss of the tree population in the city. The city council recognizes that climate change has already brought about significant changes to Newton's weather patterns especially in the form of more extreme heat, more frequent drought, and more intense rain-storms leading to flooding, and these impacts will only grow. Mature trees mitigate these weather extremes by absorbing stormwater, cooling the air, and sequestering carbon dioxide. Additional benefits of mature trees include better air quality, habitat for wildlife, and improved physical and mental health for residents. The city council has further determined that the city has insufficient legal vehicles to ~~assure that such development~~ adequately preserves, protects existing trees and provides for replacement of trees.

~~The p~~Preservation of ~~the~~ private tree canopy and the planting of replacement trees is intended to enhance the quality of life and the environment of the city; to protect public health against climate change impacts such as heat, drought, and flooding; to preserve the character of ~~the~~ wooded and natural areas; to reduce energy consumption; to protect air quality; to baffle noise; to preserve and enhance habitat for wildlife; to reduce topsoil erosion ~~and storm water runoff~~; to protect and increase property values; and to enhance the overall appearance of the city. (Ord. No. A-38, 05-05-14)

Sec. 21-81. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Aggregate diameter: The combined diameter of a multiple trunk tree measured at breast height.

Building: The term "building" shall be as defined in section 30-1.

Certified arborist: An arborist certified by the Massachusetts Arborists Association or International Society of Arboriculture, or any successor organization.

Diameter breast height (DBH): The diameter of the trunk of a tree 4½ feet above the existing grade at the base of the tree.

Drip line: A vertical line running through the outermost portion of the crown of a tree and extending to the ground.

~~—Exempt lot: A lot which meets all of the following criteria:~~

- ~~(1) The lot is occupied and used primarily as a dwelling for up to four families at the time any protected tree(s) are removed.~~

*Cross references – Cultural affairs committee, Ch. 2, Art. VI, Div. 3

State law reference—Parks and playgrounds generally, G.L. c. 45

- ~~(2) The lot owner at the time of protected tree removal has owned the lot continuously for a minimum of ninety (90) days prior to the removal of any protected tree(s).~~
- ~~(3) The existing structure on the lot remains occupied as a dwelling with a person or persons living in it for eighteen consecutive months from the date any protected tree(s) are removed.~~
- ~~(4) The lot remains owned by the same person for eighteen consecutive months from the date any protected tree(s) are removed.~~

Exterior work permit: A permit or approval which is required in order to perform work on a vacant lot or to the exterior of a building on a lot, including, but not limited to the following: a building permit; a review of an alteration of contour of land if required pursuant to section 30-5(c)(1); curb cut and street opening permits; an order of conditions; certificates of appropriateness, nonapplicability, or hardship; a demolition permit pursuant to section 22-44; site plan approval pursuant to section 30-23; subdivision approval; a special permit pursuant to section 30-24; a comprehensive permit.

Hedge: A line of closely spaced trees, typically spaced less than 10 feet apart, planted to form a barrier or to mark the boundary of an area.

Landmark Tree: Any tree having a diameter larger than 40" DBH to 55" and which is located on land subject to the provisions of section 21-82.

Legacy Tree: Any tree having a diameter larger than 55" DBH and which is located on land subject to the provisions of section 21-82.

Lot: The real property contained within front, rear and side lot lines, as established by a plan filed in the registry of deeds, which divide the property from adjoining properties.

Occupied Lot: A lot containing a legally constructed, permanent structure, used primarily as a dwelling that is currently being legally occupied and lived in and used as a residence by a person or persons. The dwelling must have a functioning, legally permitted, permanent water service, permanent sanitary service, and permanent electrical service.

Person: Any person, firm, partnership, association, corporation, company or organization of any kind including, but not limited to, the person removing a protected tree as well as the owner of the real property from which the tree is removed. The definition of "person" shall not include the City of Newton.

Protected tree: Any tree having a diameter of eight inches (~~8"~~) DBH or larger or having an aggregate diameter of ~~fifteen inches (15")~~ 6" DBH or larger and which is located on land subject to the provisions of section 21-82.

Pruning standards: Standards for pruning as defined in the ~~City of Newton Tree Management Manual, 1995 and any future amendments or revisions to the same.~~ most current American National Standard Institute (ANSI) A300 Pruning Standards and as defined by the Tree Warden.

Remove (including removing and removal): The cutting down of any protected tree and all other acts which cause the actual removal or the effective removal through damaging, poisoning or other direct or indirect actions resulting in the death of a protected tree, including, but not limited to, excessive or improper pruning.

Risk Tree Evaluation: The process by which a tree is evaluated to determine the level of risk it poses to the existing property and public at the time of inspection. All risk tree evaluations shall be conducted by a qualified Certified Arborist using a systematic process that identifies, analyzes, and evaluates risk. All tree risk evaluations

are to follow the most current ANSI A300 Part 9 Tree Risk Assessment protocol. All tree risk assessments are to be done utilizing industry accepted protocols, forms, and other documentation required by the Tree Warden.

Significant Tree: Any tree having a diameter larger than 25" DBH to 40" DBH and which is located on land subject to the provisions of section 21-82, ~~or is a replacement tree as described in 21-85 (b)(3), which is not a landmark tree or a legacy tree.~~

~~—Tree Manual: The City of Newton Tree Management Manual, 1995, and any future amendments and revisions to the same. (Ord. No. V 275, 12-6-99)~~

Tree Plan: A plan showing (1) the location, type, and size of each tree 5" DBH and larger; (2) which tree(s) are to be removed; and (3) the location, type, and size of replacement trees. The tree plan should also show the location, estimated size, and tree type of any trees that were removed from the lot within the prior 24 months leading up to the application date.

Tree Protection Plan: A plan developed by a Certified Arborist, following the most current version of the ANSI A300 standards including Part 5, management standards for the site planning and development. This plan shall set out measures for protecting all trees on the lot during construction as well as trees adjacent to the lot that may be impacted by the construction activity on the applicant's lot.

Tree Save Area: Area within the dripline of a tree or the area within a radius around the tree trunk of 1.5 feet for every inch of DBH, whichever is greater.

Tree Warden: The commissioner of parks, recreation and culture or his designee. (Rev. Ord. 2007, § 20-31; Ord. No. A-38, 05-05-14; Ord. No. B-53, 03-02-20)

Sec. 21-82. Applicability, permit or certificate of exemption required.

(a) Applicability: The terms and provisions of this article shall apply to any protected tree located on land within the city not owned by the city, the commonwealth, or any independent authority of the commonwealth, or by the federal government, ~~except protected tree(s) located on an exempt lot pursuant to paragraphs (c) and (d) below. The terms and provisions of this article shall not apply~~ ~~Except on single or two family residential occupied lots where no exterior construction is presently underway or planned to take place during the 24 months following the removal of trees, the trees to be removed do not meet the Landmark tree designation, and the owner obtains an exemption permit from the tree warden.~~

(b) Permit, certificate of exemption: No person shall remove a protected tree on a ~~non-exempt~~ lot located on land subject to the provisions of this article, or commence legally permitted exterior work on any lot without first obtaining a tree permit ~~or a certificate of exemption~~ from the tree warden. Applications shall be made in writing on forms specified by the tree warden.

~~—(c) Exempt lot, certificate of exemption: The owner of an exempt lot shall not be required to apply for a tree permit, provided however, that an owner of an exempt lot who seeks an exterior work permit must certify to the tree warden on form(s) provided by the tree warden, that as of the date on the form(s) the lot qualifies as an exempt lot and will remain an exempt lot for eighteen months following tree removal. There shall be no fee for filing a certificate of exemption.~~

~~(1) The tree warden shall determine whether a property is an occupied lot for the purposes of establishing exempt lot status. The property owner shall, if requested by the tree warden provide proof of ownership as well as a written statement confirming ownership and that a person or persons are living in the property.~~

~~(2) If lot ownership changes during the eighteen consecutive months following the removal of any protected tree(s) on an exempt lot, the new owner must apply for a tree permit and shall be required to replace any protected tree(s) that were removed. If, however, a change of ownership occurs on a lot for which an extension of exempt lot status for non-occupancy during construction has been issued within the eighteen months prior to the change in ownership, the person issued such extension shall apply for a tree permit and shall be required to replace any protected tree(s) that were removed.~~

~~—(d) Extension of exempted lot status: If at any point during the eighteen consecutive months following the removal of any protected tree(s) the property is no longer an occupied lot, the current owner of the lot must apply for a tree permit. If the non-occupancy is due to legally permitted construction, the tree warden may grant an extension of exempt lot status for the duration of the construction, provided:~~

~~(1) The owner intends to own the lot for eighteen consecutive months from the date a certificate of occupancy is issued for the construction for which the extension was issued; and~~

~~(2) The property remains an occupied lot for eighteen consecutive months from the date a certificate of occupancy is issued for the construction for which the extension was issued.~~

~~(3) Upon request of an applicant for exempt lot status extension, the tree warden may also waive the requirement that the lot be continuously owned by the same owner for ninety (90) days prior to protected tree removal provided the owner intends to own the lot for twenty one months from the date a certificate of occupancy is issued for the construction for which the extension is granted..~~

~~(4) If at any time during the applicable eighteen or twenty one month period the lot ownership changes or the lot is not occupied, the tree warden shall revoke the tree permit and exempt lot status extension. The person issued the extension shall file a new tree permit application and shall replace any protected trees that were removed.~~

~~(5) Any person issued an extension of exempt lot status must report to the tree warden any change of ownership and any change of occupancy status within fifteen (15) days of the change if that change takes place during the applicable eighteen (18) month or twenty one (21) month period following the date the certificate of occupancy issued. (Ord. No. A 38, 05-05-14)~~

~~(c) In the case where If tree(s) were removed from a single or two family residential occupied lot where no exterior construction was planned but construction did ~~not~~ take place within the 24 months following the removal of tree(s) the current property owner will be required to comply with the replacement requirements of sec. 21-85.~~

Sec. 21-83. Permit application.

~~(a) Contents, fee: An application for a tree permit shall be submitted to the tree warden. ~~The application for a tree permit shall be accompanied by a fee in the amount of one hundred fifty dollars (\$150.00) and shall include, but not be limited to, the following:~~~~

~~(1) A plan showing ~~The the~~ shape and dimensions of the parcel of real property to be developed, together with the existing and proposed locations of structures and improvements, if any, and showing the limit of work;~~

~~(2) A tree plan showing the location, type and size of each ~~protected~~ tree 5" in DBH and larger indicating which ~~protected~~ tree(s) are to be removed, and the location, type and size of replacement trees. The tree plan should also show the location, estimated size, and tree type of any trees that were removed from the lot within the prior 24 months leading up to the application date;~~

(3) Documentation from a Certified Arborist if any trees are dead, diseased, injured, in danger of falling, dangerously close to existing structures, disrupting public utility services, causing drainage or passage problems on rights-of-way, or posing a threat to public safety

(34) The proposed relocation of any existing protected tree with a statement prepared by a certified arborist explaining how each such protected tree is to be relocated and maintained;

(45) The location of existing and proposed underground or overhead utility services, existing and proposed roadways, bikeways, walkways and parking areas;

(56) Any proposed grade changes which might adversely affect or endanger any ~~P~~protected ~~T~~tree ~~with or is within the Tree Save Area of any protected tree on the applicant's lot or any abutting lot requires~~ a statement prepared by a ~~C~~ertified ~~A~~rborist explaining how each such protected tree shall be protected and maintained;

(76) The proposed method of protecting the remaining protected trees ~~on the applicant's lot and any abutting lots during the course of the construction or tree removal shall be prepared by a Certified Arborist;-~~

(8) For any activity requiring an ~~e~~Exterior ~~W~~ork ~~p~~ermit or involving tree removal, where Protected Trees are to remain on the lot or where the Tree Save Area of Protected Trees on adjacent lots come onto the applicant's lot, a Tree Protection Plan must be completed by a Certified Arborist (as specified in 21-81);

(9) The Tree Warden may waive the above listed requirements when an applicant is seeking to remove a protected tree, but no exterior work is planned. The Tree Warden shall still require a tree permit application be filed and supporting documentation provided.

(b) Fee: The application for a tree permit shall be accompanied by a fee in the amount(s) listed below.

(1) The fee for an exemption permit or tree permit for the removal of a dead or significantly compromised tree(s) that a certified arborist has attested to on forms required by the City shall be \$0.

(2) The administrative fee for processing a tree permit for all tree removal work or ~~E~~xterior work with the exception of (b)(1) shall be \$200.

(cb) Review of permit applications: The tree warden shall review applications for tree permits in accordance with the provisions of this article. The tree warden shall date stamp or otherwise record the date of filing of each application for a tree permit. The tree warden shall complete the review of each tree permit application no later than ten (10) business days after the submission of a completed application to the tree warden and shall report to the commissioner of inspection services within ten (10) business days of a request with respect to any tree permit application submitted in connection with a building permit as to whether said tree permit has been granted or denied. If no such report is received by the commissioner within the above-stated time period, ~~h~~the commissioner shall accept an application for a building permit without receipt of such report.

The City shall use the online permitting system to automatically generate notifications of Tree Permit applications to abutters of the lot on which the Protected Tree is located.

(de) Standards for grant or denial: No tree permit shall be issued unless one of the following conditions exists:

(1) The protected tree will be relocated or replaced on site per section 21-85, Tree Replacement.

(2) The protected tree will be replaced by payment in lieu of planting replacement trees as outlined in section 21-86.

- (3) The protected tree is interfering with existing structures, utilities, streets, sidewalks or other existing improvements. Documentation of the interference and damage being currently caused shall be provided to the Tree Warden as part of the permit application, per section 21-83(a)(3).
- (4) The protected tree is dead, diseased, injured, in danger of falling, dangerously close to existing structures, is causing disruption of public utility service, is causing drainage or passage problems upon rights-of-way, or poses a threat to pedestrian or vehicular safety. Documentation shall be provided by a Certified Arborist utilizing industry approved Risk Tree Evaluation method and any additional forms or documentation required by the Tree Warden.
- (5) The removal of the protected tree is necessary and desirable in order to enhance or benefit the health or condition of other trees on the same site as certified to the tree warden by a certified arborist.
- (6) No protected tree(s) are to be removed from the site and appropriate tree protection measures will be in place where necessary as determined by the tree warden.

~~(e)~~ *Conditions:* Upon the issuance of a tree permit, the tree warden may prescribe in writing ~~such protective measures for existing protected trees as he deems necessary. Before site disturbance may begin, the tree warden may make a determination that the prescribed protective measures have been adequately provided.~~ additional parameters and requirements related to the protection of trees to remain on the lot and trees within a reasonable distance from the lot.

~~No exterior work, site disturbance, or tree removal work shall take place on a lot until all tree protective measures are approved and in place. The Tree Permit holder must provide documentation from a Certified Arborist on the form(s) provided by the Tree Warden that all protective measures are in place, the Tree Warden will provide written documentation to the property owner that exterior work may commence.~~

A copy of the Tree Permit must be displayed on site such that it is visible from the adjacent roadways and must be in place no later than the day after issuance and remain in place for the duration of the permit-related activities.

~~(f)~~ *Construction:* Except as provided in a tree permit, construction activities ~~under within~~ the ~~drip line~~ Tree Save Area of a protected tree, including those on adjoining lots, are prohibited. Activities include, but are not limited to, excavation, trenching or grading, storage of materials or equipment, passage of heavy equipment within the ~~drip line~~ Tree Save Area and spillage of chemicals or other materials, which are damaging to trees. Tree Protection Plans provided by the Certified Arborist must also include protective measures for protected trees on adjoining lots.

~~(g)~~ *Suspension or revocation:* A tree permit may be suspended or revoked at any time by the tree warden upon written notice to the permit holder that the permit holder has failed to comply with either this article or the conditions of the permit. The written notice shall be sent by certified or registered mail, return receipt requested, or by hand delivery and shall provide an opportunity for the permit holder to correct the noncompliance and apply for a renewal of the tree permit upon compliance, where practicable. The suspension or revocation of a tree permit in accordance with this subsection shall not affect the validity of a building permit issued in reliance upon the issuance (granting) of such tree permit ~~nor shall such suspension or revocation be cause for withholding the issuance of a certificate of occupancy, and the Commissioner of Inspectional Services may review a suspension or revocation of a tree permit for consideration of issuing a stop-work order or to withhold the issuance of a certificate of occupancy.~~

~~(h)~~ *Appeal:* Any person aggrieved by a decision of the tree warden may file an appeal with the mayor or ~~his~~ the mayor's designee. Said appeal must be in writing and must be received by the mayor or ~~his~~ their ~~the~~ mayor's designee within five (5) business days of issuance of the tree warden's decision. Upon receipt of such appeal, the mayor or ~~his~~ their ~~the~~ mayor's designee shall provide a copy to the clerk of the city council and to each councilor ~~for from~~ the ward in which the trees are located. The mayor shall seek input and consult with the councilors from

the ward which the trees are located. The mayor or ~~his~~ the mayor's designee shall make a final decision on the matter within thirty (30) days from the date of receipt of the appeal. The mayor or ~~his~~ the mayor's designee shall include in the decision the rationale therefor. Upon issuance of the final decision, the mayor or ~~his~~ the mayor's designee shall provide a copy to the clerk of the city council ~~and to each ward councilor for the ward in which the trees are located and to each abutter.~~ There shall be no further appeal of the matter decided by the mayor or ~~his~~ the mayor's designee. No protected trees shall be removed while an appeal is pending. (Ord. No. V-275, 12-6-99; Ord. No. X-202, 04-03-06; Rev. Ord. 2007, § 20-33; Ord. No. A-38, 05-05-14)

Sec. 21-84. Activities not requiring a permit.

(a) *Pruning:* A permit is not required for the pruning of protected trees. However, in order to prevent excessive pruning and topping of trees and to prevent pruning that will be hazardous to the health and natural appearance of the tree, compliance with ANSI A300~~approved~~ pruning standards is required, and failure to meet these standards is a violation of this article. ~~The tree warden shall maintain on file at all times a copy of the current edition the Tree Manual and shall make copies of the Tree Manual available for the cost of reproduction upon request.~~

(b) *Emergencies:* If any protected tree shall be determined to be in a hazardous condition so as to immediately endanger the public health, safety or welfare or cause an immediate disruption of public services and require immediate removal without delay, oral authorization may be given by the tree warden to remove such tree, utilizing such professional criteria and technical assistance as the tree warden ~~he~~ deems necessary, and the protected tree may be removed without obtaining a written permit as otherwise required by this article. The tree warden shall memorialize in writing each such oral authorization to remove a tree and keep a record of the same.

(c) *Waiver:* The requirements of this article may be waived by the tree warden during the period of an emergency such as a tornado, windstorm, flood or other act of God. (Ord. No. V-275, 12-6-99; Rev. Ord. 2007, § 20-34; Ord. No. A-38, 05-05-14)

Sec. 21-85. Tree replacement.

(a) *Required:* A protected tree shall be replaced in the manner provided in subsection (b) hereof in each instance in which a protected tree was removed from land subject to the provisions of section 21-82 without a tree permit.

(b) *Standards:* A person who has removed a protected tree and is required to replace such tree pursuant to subsection (a) hereof or as a condition of granting a tree permit in accordance with section 21-83, shall replace such tree within eighteen (18) months, or prior to transfer of property ownership whichever comes first from the date the tree permit is issued and in accordance with the following standards:

(1) A replacement tree shall be of the same or similar species or such other species as deemed advisable by the tree warden, in accordance with the Tree Manual and shall have the same or equivalent size as measured in DBH inches as that of the protected tree that has been removed. ~~Trees planted as hedges shall not count as replacement trees unless otherwise permitted by the Tree Warden.~~

(2) In the event that a tree of the same or equivalent size as measured in DBH inches cannot be planted, then multiple smaller replacement trees may be planted provided that, wherever practicable, as determined by the tree warden, the total DBH of the replacement trees shall, ~~when added together, equal the total DBH of the protected tree that has been removed.~~ The tree warden may specify that replacement trees be of a minimum caliper when consistent with current accepted practice as stated in the Tree Manual. Conform to the following:

(a) For every protected tree removed, that does not qualify as a Significant, Landmark, or Legacy Tree, the total DBH of the replacement trees shall, when added together, equal the total DBH of the protected tree that has been removed.

(b) For every protected tree removed that also meets the Significant Tree definition, but is not a Landmark or Legacy Tree, the total DBH of the replacement trees shall, when added together equal 1.5 times the total DBH of the Significant Tree that has been removed.

(c) For every protected tree removed that also meets the Landmark Tree definition, but is not a Legacy Tree the total DBH of the replacement trees shall, when added together, equal 2 times the total DBH of the Landmark Tree that has been removed.

(d) For every protected tree removed that also meets the Legacy Tree definition, the total DBH of the replacement trees shall, when added together, equal 3 times the total DBH of the Legacy Tree that has been removed.

(3) ~~(3)~~ A replacement tree shall be considered a Significant Tree regardless of trunk diameter, health or condition, unless the replacement tree meets the definition of Landmark or Legacy Tree. ~~required to survive for a minimum of eighteen (18) months from the date it is planted.~~ The Tree Permit holder ~~person planting the tree~~ shall provide documentation as to the date of planting and file the same with the tree warden within fifteen (15) days of the planting of said replacement tree. Documentation shall be provided by a Certified Arborist on form(s) provided by the Tree Warden that the trees are in place.

(4) No replacement tree shall be removed without a Tree Permit. The Tree Permit applicant will be required to meet the replacement requirements of a Significant Tree, Landmark Tree or Legacy Tree, as applicable, any time a replacement tree is to be removed.

(5) A replacement tree shall be planted on the same lot from which the tree was removed.- (Ord. No. V-275, 12-6-99; Rev. Ord. 2007, § 20-35, Ord. No. A-38, 05-05-14)

(c) Cemetery Exemption: This Section 21-85 shall not apply to Protected Trees that are removed in a cemetery if the following criteria are met:

(1) The cemetery is accredited as a Level II, Level III, or Level IV Arboretum by the Arbnet Arboretum Accreditation Program;

(2) The cemetery submits a report annually that lists the current inventory of trees on the property; lists the number of species of removed and newly planted trees in that time period. The report shall describe means to maintain the newly planted trees;

(3) The report is submitted to the Tree Warden for review; and

(4) The cemetery employs a Certified Arborist on its staff.

If the Tree Warden determines that the cemetery is not in compliance with any of the above, they shall notify the cemetery to comply within twelve months. If the Cemetery fails to comply, to the satisfaction of the TreeWarden, the Tree Warden may impose remedies, including the requirement to comply with this Section 21-85.

Sec. 21-86. Tree replacement fund.

(a) *Established:* There is hereby established a tree replacement fund which shall be held in a separate identifiable account and administered in accordance with applicable provisions of the General Laws. Any payments into the tree replacement fund required by this article shall be deposited in the tree replacement fund and shall be used in accordance with subsection (c) hereof.

(b) *Payment in lieu of planting replacement tree(s)*: In lieu of planting a replacement tree as provided in section 21-85, a person who has been granted a tree permit may make a contribution to a tree replacement fund in an amount equal to the cost to replace the tree in accordance with the provisions of section 21-85, which cost shall be determined by the tree warden based on the City's current cost to purchase ~~and install trees~~, install, maintain trees for the first five years, and includes the environmental impact of the removed trees. The Tree Warden will update and publish this cost annually.

(c) *Maintenance of tree replacement fund*: The tree replacement fund shall be maintained in a separate account in accordance with state law. All sums deposited into such fund shall be used solely for the purpose of buying, planting and maintaining trees in the city. (Ord. No. V-275, 12-6-99; Rev. Ord. 2007, § 20-36; Ord. No. A-38, 05-05-14)

Sec. 21-87. Rule and regulations.

The tree warden is authorized to promulgate reasonable rules and regulations to implement administration of sections 21-80 through 21-90. (Ord. No. A-38, 05-05-14)

Sec. 21-88. Enforcement.

(a) *Notice of violation*: Any person who violates any of the provisions of this article shall be notified by the tree warden of the specific violation by certified mail, return receipt requested, or by hand delivery. The notice shall set forth the nature of the violation and a reasonable time period within which compliance must be had. The tree warden shall send notice of violation of section 21-86), which notice shall include the date by which trees were to be replaced or payment was to be made for purposes of computing the "per day" violation fine, as provided in section 21-89.

(b) *Stop work order*:

- (1) Upon notice from the tree warden that work on any protected tree, or lot, or abutting lot, on which a protected tree is located, is being performed contrary to the provisions of this article, such work shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work; and shall state the conditions under which work will be permitted to resume.
- (2) The tree warden is also authorized to request the agency which has granted an exterior work permit to order, to the extent permissible by law, that the owner cease any activity pursuant to the exterior work permit that might affect such protected tree while a stop work order is pending.
- (3) Any person who shall continue any work in or about the protected tree or lot on which a protected tree is located, or an abutting lot, after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not more than three hundred dollars (\$300.00) for each such violation. Each day during which a violation exists shall constitute a separate offense.

(c) *Injunctive relief*:

- (1) Whenever there exists reasonable cause to believe that a person is violating this article or any standards adopted pursuant to this article or any term, condition or provision of an approved tree permit, the city may, either before or after the institution of any other action or proceeding authorized by this article, institute a civil action in the name of the city for a mandatory or prohibitory injunction and an order of abatement demanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property.

- (2) Upon determination of a court that an alleged violation is occurring, it shall enter such order or judgment as is necessary to abate the violation. -The institution of an action for injunctive relief under this subsection shall not relieve any party to such proceedings from any civil penalty prescribed for violation of this article. (Ord. No. V-275, 12-6-99; Rev. Ord. 2007, § 20-37; Ord. No. A-38, 05-05-14)

Sec. 21-89. Penalties.

(a) *Removal without a permit:* Each instance in which a protected tree is removed without a permit shall constitute a violation of this article which shall be subject to a fine in the amount of three hundred dollars (\$300.00).

(b) *Failure to replace trees or make payment:* Each failure to replace a tree or make a payment into the tree replacement fund shall constitute a separate violation of this article which shall be subject to a fine in the amount of three hundred dollars (\$300.00). Each day such violation continues shall constitute a separate offense.

(c) *Failure to comply with a condition contained in a tree permit or stop work order:* Each instance where there is a failure to comply with a condition contained in a tree permit or stop work order shall constitute a violation of this article which shall be subject to a fine in the amount of three hundred dollars (\$300.00). Each day such violation continues shall constitute a separate offense.

(d) *City trees:* Nothing herein shall be construed to require the city to make a payment into the tree replacement fund for any tree(s) which it removes. (Ord. No. V-275, 12-6-99; Rev. Ord. 2007, § 20-38; Ord. No. A-38, 05-05-14)

Sec. 21-90. Severability, effect on other laws.

(a) *Severability:* The provisions of this article are severable.- If any section, provision, or portion of this article is determined to be invalid by a court of competent jurisdiction, then the remaining provisions of this article shall continue to be valid.

(b) *Conflict of laws:* This article shall not apply to any public shade tree as that term is defined by the General Laws, Chapter 87 or any amendments thereto. Nothing herein is intended to conflict with the General Laws, Chapter 87 and to the extent that any provision hereof conflicts with said Chapter 87, such provision shall not be valid. ~~Nothing herein is intended to conflict with existing special permit procedures as provided in section 30-24 and to the extent that any provision hereof conflicts with said special permit procedures, such provision shall not be valid.~~ (Ord. No. V-275, 12-6-99; Rev. Ord. 2007, § 20-39; Ord. No. A-38, 05-05-14)

Carol Moore

From: Tarik Lucas
Sent: Monday, July 3, 2023 11:55 AM
To: Carol Moore
Subject: docket item

Hi Carol,

I would like to docket this item in Programs & Services for the July 10th meeting. I'm not sure if you need the ballot language in the docket.

Councilors Lucas, Wright, Markiewicz, Malakie, & Oliver requesting that a non-binding advisory question be placed on the ballot for the November 2023 Elections.

Should the Newton City Council vote to adopt a zoning ordinance for Newton village commercial centers so that parcels under 30,000 square feet would have the opportunity to be redeveloped to construct multi-family housing, or a mix of business and multi-family housing, in buildings up to 3.5 to 4.5 stories high, without requiring onsite parking and prior approval from the City Council?

Tarik J. Lucas (he/him/his)
Newton City Councilor At-Large, Ward 2
617-910-7470