

Dear Councilor Humphrey,

I spoke with the President and Chair of the Legislative Committee of the Massachusetts Cemetery Association. The same chapters and sections of the [Town%20burial%20places]MGL Chapter 114 that were shared with you last week were referenced:

Care of neglected burial places within limits of town:

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXVI/Chapter114/Section18>

Town burial places:

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXVI/Chapter114/Section10>

I know you spoke to this at last week's Programs & Services Committee Meeting: Newton Cemetery was authorized to function as a cemetery with an obligation to serve as a burial ground *and* provide perpetual care of the grounds. The penalties of the Tree Preservation Ordinance (TPO) thwart that goal, and the goal of building the endowment for long-term financial sustainability. This is the reason an exemption is respectfully requested. If the endowment were not funded adequately to maintain cemetery operations, the city would need to consider its obligation to meet the requirements of MGL Chapter 114 Section 10.

Newton Cemetery's main issues with the TPO are:

- That it's triggered only by tree removals, and
- Replanting needs to be done in a short time frame.

The TPO does not consider how Newton Cemetery has managed its tree canopy for nearly 170 years, or the cemetery's plan for managing its living collection into perpetuity. As an arboretum, trees are planted on the cemetery grounds all the time. The TPO disincentives a long-term, continuous tree planting program and compels plantings to happen only when removals are required in order to receive "credit" to avoid the "penalty". The result is inefficient, poor arboretum practice. By waiting, years of tree planting and tree growth opportunity would be lost. The TPO also compels planting larger caliper trees in bulk within a short period. To follow the replanting requirements of the TPO at Newton Cemetery would create a less age-diverse canopy and a lower overall establishment rate, resulting in fewer trees over time. Paying the penalty instead diverts vital funding away from the endowment and operations.

Thank you for your support! The park-like grounds of Newton Cemetery & Arboretum are an amenity to Newton, enjoyed daily by the residents at no cost to them or the city.

Best,
Mary Ann

Mary Ann Buras
President, Newton Cemetery & Arboretum