

Tree Preservation Ordinance Amendment Discussion Progress

Committee Progress

Protected trees – Committee decided to exempt single- and two-family lots where no exterior construction is planned for 24 months, the trees being removed do not meet Landmark tree designation and owner obtains an exemption permit. The exemption of publicly owned land was preserved. If construction takes place within 24 months, the owner will be required to obtain a tree permit and comply with replacement requirements. (Page 5)

Diameter at breast Height (DBH) was set to 6” and definition of “pruning standards” was updated. (Page 3)

Definitions of “exempt lot” and “tree manual” were deleted. (Pages 2-3)

Definitions were added for the following terms: landmark tree, legacy tree, lot, risk tree evaluation, significant tree, tree plan, tree protection plan, tree save area. (Page 4)

Tree plan is now required to document all trees 5” DBH or larger and all trees removed in last 24 months. Plans for the parcel are now also required to show limit of work. (Page 8)

Sec. 21-82(b) updated to remove certificate of exemption and non-exempt lot. (Page 5)

Sec. 21-82(c) and 21-82(d) removed due to focus on exempt lots. (Pages 5-6)

Certified Arborist – Committee decided to require documentation from a certified arborist for removal of dead, injured or posing a threat to public safety. Also required a tree protection plan for projects with adverse grade changes, how remaining trees on lot and abutting lots will be protected, and for any activity requiring an Exterior Work Permit or tree removal. (Page 8)

Tree Warden ability to waive application requirements – The Committee decided to allow the Tree Warden to waive application requirements when no exterior work is planned. (Page 9)

Fees – an exemption permit or tree permit for dead or significantly compromised tree is \$0. All other tree permits will have a \$200 application fee. Mention of fees removed from 21-83(a) and now in 21-83(b). (Page 9)

Review of permit application – The Committee did not elect to change the tree warden ten (10) business day limit on issuing a decision on a tree permit, or to prohibit the Commissioner of Inspectional Services from issuing a building permit without an approved tree permit. The Committee decided to notify abutters when a tree permit application is filed. (Page 10)

Environmental Mitigation Payment – The Committee did not adopt the proposed Environmental Mitigation Payment. (Page 11)

Conditions - Councilors did not require that written documentation when Exterior Work may commence to the Commissioner of Inspectional Services. (Page 12)

Suspension or revocation – The Committee decided that the Commissioner of Inspectional Services may review a suspension or revocation of a tree permit for consideration if issuing a stop-work order or withholding a certificate of occupancy. (Page 13)

Appeal – Councilors from the ward in which the trees are located will be consulted and abutters will be notified of appeal decision. (Page 14)

Hedges – Trees planted as hedges will not count as replacement trees, unless otherwise permitted by the Tree Warden. Councilors adopted the hedge definition presented by Marc Welch. (Page 16)

Replacement with multiple smaller trees – Councilors adopted the following; if a tree is not significant, landmark, or legacy the total DBH of all replacement trees must equal that of the removed protected tree, if a significant tree it must be 1.5x the removed protected tree, if a landmark tree it must be 2x the removed protected tree, and if a legacy tree it must be 3x the removed protected tree. (Page 16)

Replacement Tree – A replacement tree will be considered a significant tree regardless of size and require a tree permit for removal. (Page 17)

Payment in lieu of planting replacement trees – the fee will now include the first five (5) years of maintenance and will be updated and posted annually by the Tree Warden. Mr. Welch is developing a fee schedule to be presented to the Committee. (Page 18)

Sec. 21-88(b)(1) and 21-88(b)(3) were updated to include “abutting lot. (Pages 19-20)

The Committee decided not to amend Sec. 21-88(b)(2). (Page 19)

Removal without a permit – The Committee decided to not have each day until a permit application is filed constitute a separate offense for removal of a tree without a permit. (Page 20)

Sec 21-90(a) was updated to remove the last sentence. All other changes proposed in the Councilor proposal were rejected. (Page 22)

Newton Cemetery and Arboretum exemption – The Committee decided to have the Law Department draft a revised version of the exemption to be added to Sec. 21-85.

What the Committee Has Left to Decide

- Language for Sec. 21-80. (Page 1)
- Should Landmark be changed to Significant in Sec. 21-82(a)? (Page 5)
- Language for the Newton Cemetery and Arboretum exemption from replacement tree planting requirements.
- What fee schedule should be used for payment in lieu of planting replacement trees. (Page 18)