

Compare and Contrast of Proposed Changes to the Newton Tree Ordinance (Chap 21, Art. III, Div. 3) September 12, 2022

	Current Ordinance	Administration Docket Item	City Council Docket Item	Cambridge, MA Ordinance (2021)
Which Trees Are Protected?	<p>Only trees 8" DBH or larger <i>that are not on an exempt lot</i> (most 1-4 family lots are exempt, depending on occupancy) <i>and that do not require a special permit</i></p> <p>See Sec. 21-81, Protected Tree; Sec. 21-82; Sec. 21-90b</p>	<p>Legacy Trees, which are 4 feet, 7 inches in diameter at breast height (55" DBH) or larger, on all lots</p> <p>Protected Trees 6" DBH and larger <i>that are on 3-family or larger residential lots and commercial lots that do not require a special permit</i></p> <p>Protected Trees 6" DBH and larger that are on 1-2 family lots <i>ONLY IF construction is planned within 24 months</i></p> <p>No trees on lots with special permits are protected.</p> <p>See Sec. 21-81, Protected Tree; Sec. 21-82; Sec. 21-90b</p>	<p>All trees 6" DBH or larger on all lots</p> <p>See Sec. 21-81, Protected Tree; Sec. 21-82</p>	<p>Applies to trees 6" DBH or greater on all lots except projects of the Affordable Housing Trust</p> <p>See Sec. 8.66.030, Significant Tree; Sec. 8.66.040</p>
Are there exemptions allowing unregulated cutting of Protected Trees?	<p>Yes</p> <p>A "certificate of exemption" issued if owner occupancy requirements met</p> <p>See Sec. 21-82c</p>	<p>Yes</p> <p>An "exemption permit" issued for cutting all trees under 55" (4 feet 7 inches) DBH on 1-2 family residential lots if no construction is planned for 24 months</p> <p>See Sec. 21-82a</p>	<p>No</p> <p>See Sec. 21-82a</p>	<p>Yes</p> <p>Affordable Housing Projects are exempt</p> <p>See Sec. 8.66.040</p>

What Conditions Remove Properties from Tree Regulation?	<p>If own & occupy 18 months before & after (or 90 days before & 21 months after) cutting trees</p> <p>If require a special permit for construction</p> <p>Sec. 21-82c; Sec. 21-90b</p>	<p>If own 1-2 family lots, no construction planned for 24 months after cutting trees, and cutting trees <i>less than 4 feet 7 inches in diameter at breast height</i> (55" DBH, so-called Legacy Trees)</p> <p>If require a special permit for construction</p> <p>Sec. 21-82a; Sec. 21-90b</p>	<p>Nothing</p> <p>All property owners in Newton must apply for a permit to cut trees</p> <p>Sec. 21-82a; Sec. 21-90b</p>	<p>If building 100% affordable housing</p> <p>Sec. 8.66.040</p>
What protections are there for trees to remain during construction?	<p>Limited</p> <p>Protects area only under the dripline of trees; allows damage to roots extending beyond dripline that can kill trees</p> <p>Sec. 21-83e</p>	<p>Very good</p> <p>Creates a Tree Save Area that protects area under dripline or within radius of 1.5 ft for every inch of DBH, whichever is greater.</p> <p>Sec. 21-81</p>	<p>Very good</p> <p>Creates a Tree Save Area that protects area under dripline or within radius of 1.5 ft for every inch of DBH, whichever is greater.</p> <p>Sec. 21-81</p>	<p>Unclear</p> <p>Creates a Tree Save Area (dimensions not specified in ordinance)</p> <p>Sec. 8.66.030</p>
Are there protections for abutters' trees?	<p>No</p>	<p>Yes</p> <p>Tree Save Area applies to trees on lots abutting construction</p> <p>Sec. 21-81</p>	<p>Yes</p> <p>Tree Save Area applies to trees on lots abutting construction</p> <p>Sec. 21-81</p>	<p>Unclear</p>

<p>Can trees be cut or removed on private property, even if they are not dead or dangerous to people, structures, roadways, or utility projects?</p>	<p>Yes</p> <p><u>On exempt lots:</u> any and all trees without replacement, fee, or mitigation payment</p> <p><u>On non-exempt lots:</u> any and all trees with replacement or payment of fee in lieu of replacement for cutting trees that are healthy and not dangerous</p> <p><u>On special permit lots:</u> any and all trees with no stated requirements</p> <p>Sec. 21-83c; 21-90b</p>	<p>Yes</p> <p><u>With exemption permit:</u> any and all trees less than 4 feet 7 inches (55") DBH <i>without</i> replacement, fee, or mitigation payment</p> <p><u>With tree permit:</u> any and all trees with permit fee and with replacement or payment in lieu of replacement for cutting trees that are healthy and not dangerous</p> <p><u>On special permit lots:</u> any and all trees with no stated requirements</p> <p>Sec. 21-83b & d; Sec. 21-90b</p>	<p>Yes</p> <p><u>With tree permit:</u> any and all trees but <i>only with</i> permit fee, environmental mitigation payment, and replacement (or higher mitigation payment in lieu of replacement) for cutting trees that are healthy and not dangerous</p> <p>All lots are subject to same requirements</p> <p>Sec. 21-83b & d; Sec. 21-90b</p>	<p>Yes</p> <p><u>With tree permit:</u> any and all trees but only with a mitigation payment and/or replacement for cutting trees that are healthy and not dangerous</p> <p>Large (special permit) lots always pay and pay more than regular lots</p> <p>Sec. 8.66.050; Sec. 8.66.060; Sec. 8.66.070</p>
<p>Is notice to abutters about tree cutting required?</p>	<p>No</p>	<p>No</p>	<p>Yes, for all permits</p> <p>Requires notifying abutters of tree permit applications and posting tree permits in public view on site.</p> <p>Sec. 21-83c & e</p>	<p>Yes, for Large projects</p> <p>8.66.060a & b</p>

<p>What are the replacement requirements for cutting health, non-dangerous trees?</p>	<p><u>On exempt lots:</u> none</p> <p><u>On non-exempt lots:</u> inch-for-inch replacement <i>or</i> payment in lieu of replacement</p> <p><u>On special permit lots:</u> none stated</p> <p>Sec. 21-85b; Sec. 21-86b; Sec. 21-90b</p>	<p><u>With exemption permit:</u> none</p> <p><u>With tree permit:</u> either replacement or payment in lieu of replacement</p> <p>Replacement ratio varies by DBH of cut trees</p> <ul style="list-style-type: none"> - for 6-24" (Protected), 1 to 1 - for 25-39" (Significant), 1.5 to 1 - for 40-54" (Landmark), 2 to 1 - for 55"+ (Legacy), 3 to 1 <p><u>With special permit:</u> none stated</p> <p>Sec. 21-85b; 21-86b; 21-90b</p>	<p><u>With tree permit:</u> replacement (or higher mitigation payment in lieu of replacement)</p> <p>Replacement ratio varies by DBH of cut trees</p> <ul style="list-style-type: none"> - for 6-24" (Protected), 1 to 1 - for 25-39" (Significant), 1.5 to 1 - for 40-54" (Landmark), 2 to 1 - for 55"+ (Legacy), 3 to 1 <p>All lots are subject to the same requirements</p> <p>Sec. 21-85b; 21-86b & c; 21-90b</p>	<p><u>With tree permit:</u> replacement (or mitigation payment in lieu of replacement)</p> <p>Replacement ratio varies by DBH of cut trees</p> <ul style="list-style-type: none"> - 6-29", 1 to 1 - 30" +, 1.5 to 1 <p>All lots have same requirements</p> <p>Sec. 8.66.060; Sec. 8.66.070</p>
<p>What are the costs to property owners for cutting healthy, non-dangerous trees?</p>	<p><u>On exempt lots:</u> none</p> <p><u>On non-exempt lots:</u> application fee, permit fee, and payment based on cost of buying & installing new trees (where is unspecified)</p> <p><u>On special permit lots:</u> none stated</p> <p>Sec. 21-82c; 21-83a; 21-86b; Sec. 21-90b</p>	<p><u>With exemption permit:</u> none</p> <p><u>With tree permit:</u> application fee and payment based on cost of buying, installing & maintaining new trees for five years (where is unspecified)</p> <p><u>With special permit:</u> none stated</p> <p>Sec. 21-83b; 21-86b; 21-90b</p>	<p><u>With tree permit:</u> application fee and environmental mitigation payment based on costs to City from tree loss: damages to public health, loss of climate mitigation services, increased energy usage, increased drainage and infrastructure costs</p> <p>All lots are subject to the same requirements</p> <p>Sec. 21-81; 21-83d; 21-86b & c; 21-90b</p>	<p><u>With tree permit:</u> permit fee and sometimes mitigation payment</p> <p>Large projects must pay at least \$5,000</p> <p>Sec. 8.66.050b; 8.66.060d; 8.66.070; 8.66.150</p>

Are replacement trees given special protection?	Required to survive 18 months Sec. 21-85b3	Considered a Significant Tree (only relevant if property owner applies to cut it; no longer required to survive any specified time) Sec. 21-85d	Considered a Significant Tree and protected for 10 years (if owner applies to cut, requires mitigation payment without reduction and higher replacement levels) Sec. 21-85d & e	Protected for 10 years (if owner applies to cut, requires mitigation payment without reduction) Sec. 8.66.050c
Who decides appeals of tree permit decisions and on what basis?	Appeals go to mayor, who must notify the councilors from the ward of appeals No guidance on basis for deciding appeals Sec. 21-83g	Appeals go to mayor, who shall seek input and consult with the Ward Councilor (not at-large councilors from the ward) No guidance on basis for deciding appeals Sec. 21-83h	Appeals go to mayor and all councilors of the ward, who jointly decide Decisions to be guided by reasonable safety and tree wellbeing provisions Sec. 21-83h	None mentioned
Can violations result in an ISD stop-work order?	Yes Tree warden can <i>request</i> that the agency that approved external work stop external work Sec. 21-88b2	Yes Tree warden can <i>request</i> that the agency that approved external work stop external work Sec. 21-88b2	Yes Tree warden can direct ISD to issue a stop work order Sec. 21-83g; Sec. 21-88b2	Yes City arborist can direct ISD to issue a stop work order Sec. 8.66.120b