

CITY OF NEWTON

IN BOARD OF ALDERMEN

PROGRAMS AND SERVICES COMMITTEE AGENDA

WEDNESDAY, OCTOBER 6, 2010

8:00PM

Room 222

ITEMS SCHEDULED FOR DISCUSSION:

Appointment by His Honor the Mayor

#240-10 KAREN LISCHINSKY, 230 Walnut Street, Newtonville, appointed as a member of the YOUTH COMMISSION for a term of office to expire September 7, 2013 (60 days 10/6/10). [8/30/10 @ 5:14 PM]

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#360-09(2) PROGRAM & SERVICES COMMITTEE requesting a discussion to explore possible sources of revenue to fund an off leash dog park system in the City. [11/06/09 @ 10:44 AM]

FINANCE VOTED NO ACTION NECESSARY ON 3/8/10

#254-10 ALD. FREEDMAN, SANGIOLO, JOHNSON SWISTON, & RICE requesting a discussion with the Child Care Commission regarding changes which have been made, or are planned to be made, in light of a decreasing budget. [9/13/2010 @ 4:06pm]

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#230-10 HIS HONOR THE MAYOR requesting an appropriation in the amount of eight hundred twenty- one thousand six hundred sixty-four dollars (\$821,664) from FY' 11 Revenue for the purpose of supplementing the FY11 School Department budget. This sum represents a portion of the state aid for the City of Newton in the Commonwealth's adopted FY' 11 budget. [08/02/10 @ 4:59 PM]

#125-09 THE POST AUDIT & OVERSIGHT COMMITTEE requesting creation of a public tree protection ordinance and amendment of the current tree ordinance as recommended in the Tree Preservation Ordinance Report. [04/17/09 @ 9:14 PM]

The location of this meeting is handicap accessible, and reasonable accommodations will be provided to persons requiring assistance. If you have a special accommodation need, please contact the Newton ADA Coordinator Kathleen Cahill, 617-796-1125, via email at KCahill@newtonma.gov or via TDD/TTY at (617) 796-1089 at least two days in advance of the meeting date.

- #207-10 ALD. SANGIOLO, YATES, FISCHMAN, JOHNSON requesting a discussion with the Newton Housing Authority regarding the various housing programs offered and the process and procedures in (1) selection of appropriate housing for tenants with special needs (2) any special services offered to tenants with disabilities (3) resolution of tenant disputes and possible eviction procedures and (4) tenant resources and recourse in the event of tenant complaints. [7/7/10 @8:53 AM]

ITEMS NOT YET SCHEDULED FOR DISCUSSION:

- #83-07(2) ALD. YATES proposing a RESOLUTION to the City's representatives and senator in the General Court asking them to co-sponsor the legislation of the Massachusetts Municipal Association that would give cities and towns the same power to determine their health care costs that agencies of the State have.[9/13/2010 @ 9:38am]

- 206-10 VETERANS' AGENT requesting a discussion and support for the replacement of the WWII Honor Roll on the grounds of City Hall at the intersection of Walnut Street and Commonwealth Avenue. [07/06/10 @ 4:41 PM] **HELD 6-0 (Ald. Hess-Mahan not voting 7-14-2010)**

- #95-09(2) PROGRAMS & SERVICE COMMITTEE requesting establishment of an Advisory Committee to review processes of the Board of Aldermen and report recommended efficiency improvements to the Board of Aldermen. Members of the Advisory Committee shall be appointed by the Chairman and Vice Chairman of the Programs & Services Committee and the President of the Board. [11/16/09 @ 3:59 PM]

- #98-10 ALD. YATES requesting that the Board of Aldermen and His Honor the Mayor take all possible steps to change state law to save local costs by giving cities and towns the right to negotiate health plans on the same basis as the Commonwealth. Such steps would include, but not be limited to, joining the Coalition to Save our Communities and notifying our city legislators of our urgent concern about this matter. [03/23/10 @ 4:29 PM]

REFERRED TO PROG. & SERV. AND FINANCE COMMITTEES

- #262-10 PRESIDENT LENNON AND ALDERMAN FULLER recommending that the 2010 – 2011 Rules and Orders of the Board of Aldermen be amended to establish a FINANCIAL AUDIT ADVISORY COMMITTEE. The advisory committee will report

to the Board of Aldermen through the Finance Committee. The focus of the committee's work will be on the annual financial audit of the City and any other fiscal accountability matters, as deemed important by the Finance Committee, needing review. [09-13-10 @ 1:52 PM]

APPROVED BY FINANCE 7-0

REFERRED TO PUB SAFETY & TRANS AND PROG & SERV COMMITTEES

- #20-10 ALD. HESS-MAHAN AND HARNEY requesting special legislation prohibiting the use of handheld mobile devices to send, read or receive electronic messages while operating a motor vehicle within the City of Newton and in order to protect its citizens and to limit unnecessary motor vehicle accidents, injuries, and fatalities, and that the appropriate committees conduct a public hearing to examine the feasibility thereof. [01/04/10 @ 5:07 PM]
- #363-09 ALD. SANGIOLO requesting a discussion to increase the tobacco seller license fee. [09/13/19 @ 1:07 PM]
- #298-09 ALD. MANSFIELD proposing Home Rule Legislation to amend **Article 2, Section 2-1(c) Composition; Eligibility; Election and Term** of the Newton Charter to establish four-year terms for Aldermen-at-Large with the provision for one Aldermen-at-Large to be elected from each ward at each biennial municipal election. [09-29-09 @ 6:45 PM]

REFERRED TO PUBLIC FACILITIES COMMITTEES AND PROG AND SERV

- #8-09 ALD. HESS-MAHAN, LINSKY, ALBRIGHT, FREEDMAN, MANSFIELD, JOHNSON, HARNEY & VANCE proposing an ordinance requiring that the installation of synthetic in-filled turf athletic fields on city-owned property shall use sustainable, recyclable, lead-free, non-toxic products to the maximum extent feasible. [12/30/08 @ 9:55 AM]

REFERRED TO LAND USE AND PROGRAMS & SERVICES COMMITTEES

- #474-08(2) ALD. HESS-MAHAN & VANCE proposing that Article X of the Rules & Orders of the Board of Aldermen be amended to conform with a proposed amendment to Chapter 30 re transfer of the special permit granting authority to the Zoning Board of Appeals and/or the Planning & Development Board for projects that are not classified as Major Projects pursuant to Article X.
- #306-08 ALD. BAKER, DANBERG, MANSFIELD & PARKER requesting discussion of how swimming at Crystal Lake might be lawfully and safely extended beyond mid-August. [08/26/08 @ 5:03 PM]

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#274-08 ALD. JOHNSON AND SANGIOLO proposing a RESOLUTION to His Honor the Mayor requesting that he create a plan to move the Child Care Commission to a self-sustaining model for FY2010. [07/17/08 @ 9:53 AM]

FINANCE VOTED NO ACTION NECESSARY ON 3/8/10

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#273-08 ALD. JOHNSON proposing a RESOLUTION to His Honor the Mayor requesting that the Executive and Human Resources Departments develop a comprehensive human capital strategy for the city to include: performance management, talent development, succession planning, and compensation. [07/17/08 @ 9:53 AM]

FINANCE VOTED NO ACTION NECESSARY ON 3/8/10

REFERRED TO PROG. & SERV. AND PUBLIC FACILITIES COMMITTEES

#271-08 ALD. JOHNSON proposing a RESOLUTION to His Honor the Mayor requesting that he work with the Board of Aldermen, the Parks and Recreation Department, and the Department of Public Works in order to determine the most effective and efficient way to organize the work of managing our public resources. [07/17/08 @ 9:53 AM]

FINANCE VOTED NO ACTION NECESSARY ON 3/8/10

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#270-08 ALD. JOHNSON proposing a RESOLUTION to His Honor the Mayor requesting that he work with the Board of Aldermen, School Department, and School Committee in order to determine the most effective and efficient way to organize the Information Technology Departments. [07/17/08 @ 9:53 AM]

FINANCE VOTED NO ACTION NECESSARY ON 3/8/10

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#258-08 ALD. SANGIOLO requesting discussion with the Executive Department regarding reorganization of senior transportation services and establishment of intra-village transportation systems. [07/08/08 @ 1:29 PM]

FINANCE VOTED NO ACTION NECESSARY ON 3/8/10

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#207-08 ALD. BRANDEL AND SANGIOLO proposing that the following question be put before the Newton voters:
“Shall the City of Newton be allowed to exempt from the provisions of Proposition 2 ½ the amounts required to pay for the bond issuance in order to fund Newton North High School?” [05/21/08 @ 12:58 PM]

FINANCE VOTED NO ACTION NECESSARY ON 3/8/10

#129-08 ALD. JOHNSON, SANGIOLO AND BRANDEL requesting establishment of a new Rule of Board of Aldermen stating that any new item submitted but not yet approved or accepted by the Full Board of Aldermen is prohibited from any formal or informal discussion by any formal, informal or special committee of the Board.
[03-24-08 @ 9:11 AM]

REFERRED TO PROG. & SERV., PUB.FAC. AND FINANCE COMMITTEES

#89-08 ALD. PARKER requesting the following:
A) review of the maintenance practices for buildings, parks and other properties owned by the City (including School Department facilities and grounds)
B) development of a comprehensive maintenance plan that includes regular schedules for preventive maintenance for each specific site or facility
C) a RESOLUTION requesting that implementation of said maintenance plan be funded using operating budget funds.
[02/13/08 @ 12:07 PM]
FINANCE VOTED NO ACTION NECESSARY ON 3/8/10

#287-07(2) ALD. PARKER requesting a discussion with Parks and Recreation Department in regards to an appropriate marker or plaque to honor and recognize Olympic figure skater and Newton resident Tenley Albright and her skating exhibition at the Crystal Lake upon her return from the 1956 Olympic Games where she won a gold medal. [09/20/07 @ 1:22 PM]

#262-07 ALD. VANCE AND HESS-MAHAN seeking approval by the Board of Aldermen of a home rule petition to the General Court that would authorize an amendment to the charter of the City of Newton that would change the length of terms of the members of the Board of Aldermen to three years and would provide for electing one-third of the aldermen, one from each ward, every year. [08/22/07 @ 3:53 PM]

#82-07 ALD. YATES requesting that the City of Newton take all possible steps to persuade the General Court to allow the cities and towns to tax all telecommunications facilities in the City (which would yield at least \$1.6 million per year for Newton). [02/27/07 @ 10:21 PM]

#52-07 ALD. PARKER, SANGIOLO, MANSFIELD, HARNEY, DANBERG, VANCE, LINSKY, HESS-MAHAN, BURG, ALBRIGHT & JOHNSON requesting an ordinance amendment to create a health care advisory committee whose function would be to recommend measures to control the rate of increase of health insurance costs, as recommended by the Newton Finance & Management Working Group in 2005 and the Blue Ribbon Commission on the Municipal Budget in 2007.

[02/09/07 @ 12:36 PM]

#422-06(2) ALD. HESS-MAHAN requesting that a task force be established to meet and prepare a report and recommendations regarding the regulation of noise, air pollution and best practices with respect to the operation of power equipment used in landscaping, property and yard maintenance, including, without limitation, leaf blowers. [01/27/09 @ 3:47 PM]

#370-06 ALD. SANGIOLO, PARKER, MANSFIELD requesting home rule legislation to allow advisory questions to be asked in a Newton special election.

REFERRED TO FINANCE AND PROGRAMS AND SERVICES COMMITTEES

#245-06 ALD. JOHNSON AND HESS-MAHAN requesting an amendment to the City Charter to require the Mayor annually to prepare and submit to the Board of Aldermen a long-term financial forecast of anticipated revenue, expenditures and the general financial condition of the City, including, but not limited to identification of any factors which will affect the financial condition of the City; projected revenue and expenditure trends; potential sources of new or expanded revenues; anticipated municipal needs likely to require major expenditures; and a strategic plan for meeting anticipated municipal needs, to include, but not be limited to, any long or short-term actions that may be taken to enhance the financial condition of the City.
FINANCE VOTED NO ACTION NECESSARY ON 3/8/10

#329-05(3) ALD. YATES requesting a discussion relative to amending the noise control ordinance to (A) prohibit the cumulative noise level from multiple pieces of equipment operating simultaneously on the same site to exceed the maximum noise levels allowed when measured at the nearest lot line and (B) to eliminate various exemptions in residential districts.

#346-99 ALD. SANGIOLO requesting creation of an ordinance that would prohibit dogs (leashed or unleashed) from all elementary school playgrounds.

Respectfully Submitted,

Amy Sangiolo, Chairman



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

240-10

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September 30, 2010

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Ladies and Gentlemen:

I am writing to withdraw Docket Item # 240-10, the appointment of Karen Lischinsky as a member of the Youth Commission for the City of Newton.

It has come to my attention that she has been unavailable to appear before the Programs and Services Committee of the Board of Aldermen. I will be resubmitting her for appointment to the Commission in a separate letter to the Board.

Thank you for your attention to this matter.

Very truly yours,

Setti D. Warren
Mayor

10 OCT -1 P 12:34
CITY CLERK
NEWTON, MA. 02159

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE

Off-Leash Area Working Group

Fees

Information for the Board of Aldermen

Program & Services Committee

October 6, 2010

Off-Leash Area Fees

Residents/Non-Newton Residents who walk their own dog:

- Must purchase a medallion. The medallion is renewed each year.
- The medallion will be worn by the dog.
- The medallion will be a brass medallion, the same as the dog license.
- There will be two different shaped brass medallions:
 - One shape will represent a fee that has been paid for the dog license ONLY
 - The second shape will represent a fee that has been paid for the dog license & off-leash area permit
 - A permit must be purchased for all dogs using an off-leash area either with the owner or with a professional dog walker.
- Resident fee: \$50.00 per dog
- Non-Newton resident fee: \$100 per dog
- Fine for non-compliance is \$50.00/offense (ordinance sec.3-25)



Off-Leash Area Fees

Professional dog walkers:

- Must buy a medallion for the business as needed --these medallions are registered to the business, not the individual employee, given high turnover and part-time schedules (no picture on the medallion, but individuals must carry an ID with them).



- *Newton professional dog walking company fee:* \$250 for first medallion and \$75 each additional medallion
- *Non-Newton professional dog walking company fee:* \$350.00 for the first medallion and \$100.00 each additional medallion
- Dogs in an off-leash area with a professional dog walker:
 - Each dog under the control of the professional dog walker must be wearing the brass medallion (off-leash area permit) purchased by the dog owner.
 - The Professional dog walker must be wearing the medallion purchased by the company for use of the off-leash area.
- Fine for non-compliance is \$50.00/offense (ordinance sec.3-25)

Fee Process

360-09(2)



- Medallions for residents will be processed through the City Clerk's office.
 - Residents will have the option when licensing their dog to purchase the off-leash area medallion.
 - Year round a resident may walk into the Clerk's office for the off-leash area medallion.
 - An indemnification form will be signed by all applying for an off-leash area medallion.

- Medallions for professional dog walkers will be processed in two steps:
 - Request & payment for the medallion will be processed through the City Clerk's office
 - The City Clerk will provide a list to the P & R Department.
 - The P & R Department will create the medallion. The medallion may be picked up at 70 Crescent St. or mailed via U.S.P.S.
 - An indemnification form will be signed by all applying for an off-leash area medallion.

Fee Process

- A revolving account has been set up by the Parks & Recreation Department.
 - The City Clerk will receive a portion of the fee for administrative costs.
 - The remaining funds will be put towards the maintenance, etc. of the off-leash areas.
 - Donations will also be deposited into the revolving account.
-



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August 4, 2010

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Ladies and Gentlemen:

I write to amend a request that was originally submitted to your Honorable Board on August 2, 2010.

The original request was to amend the Adopted FY2011 Municipal Budget by increasing the appropriation for the Newton Public Schools by \$793,146 and increasing the appropriation for State Assessments by \$36,904.

After further analysis, I ask that, rather than adjusting the budget by the above mentioned amounts, that your Honorable Board make the following adjustments:

- Increase the FY2011 State Assessment appropriation by \$8,386, to \$4,970,628, and
- Increase the FY2011 Newton Public School appropriation by \$821,664 to \$167,203,992

Thank you for your consideration of this matter.

Very truly yours,

Setti D. Warren
Mayor

From: Est. Revenue - FY 2011 \$830,050

To:	Newton Public Schools	
	98001080-5790	\$821,664
	State Assessments	
	0110781-562011	\$ 8,386

10 AUG -4 PM 1:16
CITY CLERK
NEWTON, MA. 02159

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



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August 2, 2010

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Ladies and Gentlemen:

I write to request that your Honorable Board docket for consideration a request to amend the Adopted FY2011 Municipal Budget as follows:

- Increase the FY2011 state assessment appropriation by \$36,904 to \$5,589,086, and
- Increase the FY2011 Newton Public School appropriation by \$793,146 to \$167,175,474

The Adopted FY2011 Municipal Budget was developed with the anticipation of a 10% reduction in state aid. However, the final state aid and assessment information in the Commonwealth's adopted FY2011 budget included an additional appropriation in the amount of \$830,050 for the City of Newton.

Thank you for your consideration of this matter.

Very truly yours,

Setti D. Warren
Mayor

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DEDICATED TO COMMUNITY EXCELLENCE

NEWTON

NEWTON

A. EDUCATION:

Distributions and Reimbursements:

1. Chapter 70	13,343,503 ✓
2. School Transportation <i>Chs. 71, 71A, 71B and 74</i>	
3. Retired Teachers' Pensions <i>Ch. 32, s. 20 (2) (c)</i>	
4. Charter Tuition Reimbursements <i>Ch. 71, s. 89</i>	83,747 ✓

Offset Items – Reserve for Direct Expenditure:

5. School Lunch <i>1970, Ch. 871</i>	32,219
6. School Choice Receiving Tuition <i>Ch. 76, s. 12B, 1993, Ch. 71</i>	

Sub-Total, All Education Items	13,459,469
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B. GENERAL GOVERNMENT:

Distributions and Reimbursements:

1. Unrestricted General Government Aid	4,970,628 ✓
2. Local Share of Racing Taxes <i>1981, Ch. 558</i>	
3. Regional Public Libraries <i>Ch. 78, s. 19C</i>	
4. Police Career Incentive <i>Ch. 41, s. 108L</i>	55,113 ✓
5. Urban Renewal Projects <i>Ch. 121, ss. 53-57</i>	
6. Veterans' Benefits <i>Ch. 115, s. 6</i>	40,518 ✓
7. Exemptions: Vets, Blind, Surviving Spouses & Elderly <i>Ch. 58, s. 8A; Ch. 59 s. 5</i>	255,241
8. State Owned Land <i>Ch. 58, ss. 13-17</i>	

Offset Item - Reserve for Direct Expenditure:

9. Public Libraries <i>Ch. 78, s. 19A</i>	90,403
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Sub-Total, All General Government	5,411,903
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C. TOTAL ESTIMATED RECEIPTS, FISCAL 2011

	18,871,372
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NEWTON**A. County Assessments:**

1. County Tax: <i>Ch. 35, ss. 30, 31</i>	0
2. Suffolk County Retirement <i>Ch. 61, Acts of 2009, s. 10</i>	0
Sub-Total, County Assessments	0

B. STATE ASSESSMENTS AND CHARGES:

1. Retired Employees Health Insurance <i>Ch. 32A, s. 10B</i>	2,856 ✓
2. Retired Teachers Health Insurance <i>Ch. 32A, s. 12</i>	
3. Mosquito Control Projects <i>Ch. 252, s. 5A</i>	
4. Air Pollution Districts <i>Ch. 111, ss. 142B, 142C</i>	32,034
5. Metropolitan Area Planning Council <i>Ch. 40B, ss. 26, 29</i>	24,764
6. Old Colony Planning Council <i>1967, Ch. 332</i>	
7. RMV Non-Renewal Surcharge <i>Ch. 90; Ch. 60A</i>	169,460
Sub-Total, State Assessments	229,114

C. TRANSPORTATION AUTHORITIES:

1. MBTA <i>Ch. 161A, ss. 8-9; 1974, Ch. 825, ss. 6-7</i>	5,026,100 ✓
2. Boston Metro. Transit District <i>1929, Ch. 383; 1954, Ch. 535</i>	2,404
3. Regional Transit <i>Ch. 161B, ss. 9, 10, 23; 1973, Ch. 1141</i>	
Sub-Total, Transportation Assessments	5,028,504

D. ANNUAL CHARGES AGAINST RECEIPTS:

1. Special Education <i>Ch. 71B, ss. 10, 12</i>	48,549
2. STRAP Repayments <i>1983, Ch. 637, s. 32</i>	
Sub-Total, Annual Charges Against Receipts	48,549

E. TUITION ASSESSMENTS:

1. School Choice Sending Tuition <i>Ch. 76, s. 12B, 1993, Ch. 71</i>	7,800
2. Charter School Sending Tuition <i>Ch. 71, s. 89</i>	275,119
3. Essex County Technical Institute Sending Tuition <i>1998, Ch. 300, s. 21</i>	
Sub-Total, Tuition Assessments	282,919

F. TOTAL ESTIMATED CHARGES, FISCAL 2011**5,589,086**

For additional information about how the estimates were determined and what may cause them to change in the future, please click on the following link: [Local Aid Estimate Program Summary](#).



SETTI D. WARREN
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August 4, 2010

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Ladies and Gentlemen:

I write to amend a request that was originally submitted to your Honorable Board on August 2, 2010.

The original request was to amend the Adopted FY2011 Municipal Budget by increasing the appropriation for the Newton Public Schools by \$793,146 and increasing the appropriation for State Assessments by \$36,904.

After further analysis, I ask that, rather than adjusting the budget by the above mentioned amounts, that your Honorable Board make the following adjustments:

- Increase the FY2011 State Assessment appropriation by \$8,386, to \$4,970,628, and
- Increase the FY2011 Newton Public School appropriation by \$821,664 to \$167,203,992

Thank you for your consideration of this matter.

Very truly yours,

Setti D. Warren
Mayor

From: Est. Revenue - FY 2011 \$830,050

To: Newton Public Schools
98001080-5790 \$821,664
State Assessments
0110781-562011 \$ 8,386

10 AUG -4 PM 1:16
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- Increase the FY2011 state assessment appropriation by \$36,904 to \$5,589,086, and
- Increase the FY2011 Newton Public School appropriation by \$793,146 to \$167,175,474

The Adopted FY2011 Municipal Budget was developed with the anticipation of a 10% reduction in state aid. However, the final state aid and assessment information in the Commonwealth's adopted FY2011 budget included an additional appropriation in the amount of \$830,050 for the City of Newton.

Thank you for your consideration of this matter.

Very truly yours,

Setti D. Warren
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10 AUG 2 PM 4:59
CITY CLERK
NEWTON, MA 02159

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE

Board of Aldermen
 City Hall
 1000 Commonwealth Avenue
 Newton, Massachusetts 02459

Dear Members of the Board of Aldermen:

The purpose of this communication is to request that you make two changes in the City's adopted fiscal year 2011 General Fund budget, based upon final state aid and assessment information for Newton that was included in the Commonwealth's adopted FY 2011 budget.

	Adopted City Budget	Final State "Cherry Sheet"	Increase/ (decrease)
Chapter 70 school aid	\$ 12,832,503	\$ 13,343,503	\$ 511,000
Unrestricted general government aid	4,659,964	5,321,500	661,536
Other cherry sheet aid	426,233	83,747	(342,486)
Total cherry sheet aid {1}	<u>17,918,700</u>	<u>18,748,750</u>	<u>830,050</u>
State assessments	<u>(5,552,182)</u>	<u>(5,589,086)</u>	<u>(36,904)</u>
Net state aid increase/(decrease)	<u>\$ 12,366,518</u>	<u>\$ 13,159,664</u>	<u>\$ 793,146</u>

{1} Excludes \$32,219 in school lunch program aid and \$90,403 in public library aid that are included on the Cherry Sheet, but are restricted for program purposes.

The recommended changes to the City budget are as follows:

- 1) Increase the fiscal year 2011 state assessment appropriation by \$36,904 to \$5,589,086.
- 2) Increase the fiscal year 2011 Newton Public School appropriation by \$793,146 to \$167,175,474

The funding source for these two budget changes is the \$830,050 increase in state aid referenced in the table presented above.

NEWTON

A. EDUCATION:

Distributions and Reimbursements:

1. Chapter 70	13,343,503 ✓
2. School Transportation <i>Chs. 71, 71A, 71B and 74</i>	
3. Retired Teachers' Pensions <i>Ch. 32, s. 20 (2) (c)</i>	
4. Charter Tuition Reimbursements <i>Ch. 71, s. 89</i>	83,747 ✓

Offset Items – Reserve for Direct Expenditure:

5. School Lunch <i>1970, Ch. 871</i>	32,219
6. School Choice Receiving Tuition <i>Ch. 76, s. 12B, 1993, Ch. 71</i>	

Sub-Total, All Education Items	13,459,469
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B. GENERAL GOVERNMENT:

Distributions and Reimbursements:

1. Unrestricted General Government Aid	4,970,628 ✓
2. Local Share of Racing Taxes <i>1981, Ch. 558</i>	
3. Regional Public Libraries <i>Ch. 78, s. 19C</i>	
4. Police Career Incentive <i>Ch. 41, s. 108L</i>	55,113 ✓
5. Urban Renewal Projects <i>Ch. 121, ss. 53-57</i>	
6. Veterans' Benefits <i>Ch. 115, s. 6</i>	40,518 ✓
7. Exemptions: Vets, Blind, Surviving Spouses & Elderly <i>Ch. 58, s. 8A; Ch. 59 s. 5</i>	255,241
8. State Owned Land <i>Ch. 58, ss. 13-17</i>	

Offset Item - Reserve for Direct Expenditure:

9. Public Libraries <i>Ch. 78, s. 19A</i>	90,403
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Sub-Total, All General Government	5,411,903
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C. TOTAL ESTIMATED RECEIPTS, FISCAL 2011

18,871,372

NEWTON**A. County Assessments:**

1. County Tax: <i>Ch. 35, ss. 30, 31</i>	0
2. Suffolk County Retirement <i>Ch. 61, Acts of 2009, s. 10</i>	0
Sub-Total, County Assessments	0

B. STATE ASSESSMENTS AND CHARGES:

1. Retired Employees Health Insurance <i>Ch. 32A, s. 10B</i>	2,856 ✓
2. Retired Teachers Health Insurance <i>Ch. 32A, s. 12</i>	
3. Mosquito Control Projects <i>Ch. 252, s. 5A</i>	
4. Air Pollution Districts <i>Ch. 111, ss. 142B, 142C</i>	32,034
5. Metropolitan Area Planning Council <i>Ch. 40B, ss. 26, 29</i>	24,764
6. Old Colony Planning Council <i>1967, Ch. 332</i>	
7. RMV Non-Renewal Surcharge <i>Ch. 90; Ch. 60A</i>	169,460
Sub-Total, State Assessments	229,114

C. TRANSPORTATION AUTHORITIES:

1. MBTA <i>Ch. 161A, ss. 8-9; 1974, Ch. 825, ss. 6-7</i>	5,026,100 ✓
2. Boston Metro. Transit District <i>1929, Ch. 383; 1954, Ch. 535</i>	2,404
3. Regional Transit <i>Ch. 161B, ss. 9, 10, 23; 1973, Ch. 1141</i>	
Sub-Total, Transportation Assessments	5,028,504

D. ANNUAL CHARGES AGAINST RECEIPTS:

1. Special Education <i>Ch. 71B, ss. 10, 12</i>	48,549
2. STRAP Repayments <i>1983, Ch. 637, s. 32</i>	
Sub-Total, Annual Charges Against Receipts	48,549

E. TUITION ASSESSMENTS:

1. School Choice Sending Tuition <i>Ch. 76, s. 12B, 1993, Ch. 71</i>	7,800
2. Charter School Sending Tuition <i>Ch. 71, s. 89</i>	275,119
3. Essex County Technical Institute Sending Tuition <i>1998, Ch. 300, s. 21</i>	
Sub-Total, Tuition Assessments	282,919

F. TOTAL ESTIMATED CHARGES, FISCAL 2011**5,589,086**

For additional information about how the estimates were determined and what may cause them to change in the future, please click on the following link: [Local Aid Estimate Program Summary](#).

PE
/m



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

230-10
Telephone
(617) 796-1100
Facsimile
(617) 796-1113
TDD/TTY
(617) 796-1089
E-mail
swarren@newtonma.gov

August 2, 2010

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Ladies and Gentlemen:

I write to request that your Honorable Board docket for consideration a request to transfer the sum of \$30,000 from the Angier School Boiler Replacement Project to the Williams School Boiler Replacement Project.

The boiler replacement project at the Angier School was completed with a surplus of \$30,000, while the bids for the boiler replacement project at the Williams School exceeded the City's estimates. The Public Buildings Department is currently re-bidding the Williams School project with the anticipation of reducing the cost of the project.

Thank you for your consideration of this matter.

Very truly yours,

Setti D. Warren
Mayor

10 AUG 32 PM 5: 02
CITY CLERK
NEWTON, MA. 02159

From: School Bldg Improvement Fund
31L115C1-5930 \$30,000
To: School Bldg Improvement Fund
31M115D4-497030 \$30,000

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE

City of Newton



PUBLIC BUILDINGS DEPARTMENT

Telephone: (617) 796-1600

Fax: (617) 796-1601

TTY: (617) 796-1089

52 ELLIOT STREET

NEWTON HIGHLANDS, MA 02461-1605

Setti D. Warren
Mayor

August 2, 2010

The Honorable Setti D. Warren
Mayor
Newton City Hall
1000 Commonwealth Avenue
Newton Centre, MA 02459

RE: Williams School Boiler Replacement

Dear Mayor Warren:

The Public Buildings Department respectfully requests an additional sum of \$30,000.00 to cover the cost of the replacement of one of the boilers at the Williams School. The bid for this project exceeded the original estimate. We are re-bidding this project with the hopes of modifying the bid to reduce the cost, but are requesting the additional funds should the revised bid price come in higher than we anticipate.

The boiler replacement project at the Angier School is complete and funds in the amount of \$30,000.00 are available to be used to cover the additional cost at the Williams School. The account number from which funds are available is 31L115C1-5825.

Should you have any questions regarding this matter, please feel free to contact my office.

Sincerely,

Handwritten signature of Arthur F. Cabral in cursive.

Arthur F. Cabral
Interim Commissioner of Public Buildings

AFC:dla

CC: Robert Rooney, Chief Operating Officer
Maureen Lermieux, Chief Financial Officer
Josh Morse, Facilities and Operations Supervisor
Michael Cronin, Chief of Operations
Carol Chatetz, Director of Operations and Environmental Affairs

Rebecca Smith

Date sent: Fri, 24 Sep 2010 15:28:33 -0400
Subject: FY11 Newton Public Schools Supplemental Appropriation
To: rsmith@newtonma.gov
Copies to: dwilkinson@newtonma.gov, mlemieux@newtonma.gov,
"David Fleishman" <david_fleishman@newton.k12.ma.us>, secker@newtonma.gov,
clasok@aol.com, reenie.murphy@comcast.net,
"Sean Mannion" <Sean_Mannion@newton.k12.ma.us>,
"Susan Dzikowski" <Susan_Dzikowski@newton.k12.ma.us>, swarren@newtonma.gov,
dolson@newtonma.gov, "Mary Burns" <Mary_Burns@newton.k12.ma.us>
From: "Sandy Guryan" <sandy_guryan@newton.k12.ma.us>

I am writing to confirm that the funding for the completion of the Newton Public Schools FY11 Budget as agreed in June 2010 was based on final Massachusetts State Aid to the City of Newton. These funds in the amount of \$821,664 will close the budget gap as agreed for FY11. The funds will be used to complete the school budget funding for Health Insurance and will be applied to one line item.

Please contact me if you have any questions about the FY11 school budget.

Thank you,

Sandy Guryan

Overview of the Tree Preservation Ordinance

#125.09

On December 1999 the Newton Board of Alderman and Mayor enacted the Tree Preservation Ordinance

The City's Tree Warden is assigned the task of overseeing and enforcing the Tree Preservation Ordinance. Under City regulations the Parks and Recreation Commissioner is the Tree Warden. The Duties of Tree Warden are assigned to the Director of Urban Forestry (here in referred to as the Director). The Director is responsible for reviewing all applications, forms and plans submitted by the public. The Director is also responsible for the inspection of all projects for compliance.

Basic Steps in the procedure

1. Property owner fills out one of two forms
 - a. Certificate of Exemption – form filed with Inspectional Services and copied to the Director. - - No further action is required. Person may remove tree at this time. The Director may inspect the property if it appears that the property is not actually exempt.
 - b. Application for tree removal permit – form filed with Director. Included materials may be site plan, existing condition plan, proposed construction plan including plantings, and tree protection information and assessments from Certified Arborist.
2. The Director reviews the site and site plan including the trees to be removed and their species, size, and condition.
3. The Director reviews the proposed construction, its impacts on any protected trees to remain and the planting plan. It is at this time that any payment, if required, must be received.
4. Any issues or corrections that are needed are conveyed to the applicant for correction.
5. Once all plans, forms and paper work are acceptable and/or corrected the applicant is notified that they have been approved.
6. The Director may periodically inspect the site to insure compliance with the Tree Preservation Ordinance.
7. Once the project is complete the applicant is to notify the Director that the project is complete. At this time an inspection is made to insure that all the provisions of the approval were followed including that all proposed trees were planted according to the plan.

The Appeal Process

Section 20-33 (g) allows any aggrieved person to appeal the decision of the Director. This appeal process is directed to the Mayor.

2.(g) Appeal: Any person aggrieved by a decision of the tree warden may file an appeal with the mayor or his designee. Said appeal must be in writing and must be received by the mayor or his designee within five (5) business days of issuance of the tree warden's decision. Upon receipt of such appeal, the mayor or his designee shall provide a copy to the clerk of the board of aldermen and to each alderman for the ward in which the trees are located. The mayor or his 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 designee shall include in the decision the rationale therefor. Upon issuance of the final decision, the mayor or his designee shall provide a copy to the clerk of the board of aldermen and to each ward alderman for the ward in which the trees are located. There shall be no further appeal of the matter decided by the mayor or his 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)

Typical steps of the appeal process

1. The Director denies an applicant's Application for Tree Removal Permit. The denial will cite the reason(s) for denial.
2. Within five days of denial the Applicant files an appeal with the Mayor.
3. Some time following the filing of the appeal the Mayor and/or the City's Law Department contacts the Director to explain the denial. They will typically ask for general details such as:
 - a. The number, size and type of trees to be removed.
 - b. The planting plan such as species and quantity
 - c. The payment amount offered (if offered) in lieu of complete replacement planting
 - d. Depending on circumstances any number of other types of information may be provided.
4. Per the requirements of the Ordinance the Mayor provides a copy to the clerk of the Board of Aldermen and to each Alderman for the ward in which the trees are located that there has been an appeal.
5. The Mayor and the Law Department review the facts and arguments of the Applicant. *(the details of this process does not involve the Director therefore any detailed information on it would need to be provided by Executive office.)*
6. An initial ruling is rendered and a draft sent to the Director to verify any facts that pertain to the information he received in the application.
7. The Mayor issues his final ruling and rationale to the applicant, the Director of Urban Forestry, the City Clerk and each Ward Alderman.

Recommendations

The Newton Tree Preservation Ordinance has been minimally revised since its passage in 1999. Since that date there has been many questions and scenarios that has challenged the Ordinance's intent and purpose. By enlarge the intent and purpose has stood up to the test. There are several recommendations to be made that would help insure the original intent and purpose is met. These recommendations can be divided into two districts areas, operational and legal.

The first recommendation that does not fall into either category is to assemble a small working group of people to examine the Tree Preservation Ordinance and its effectiveness. This group should be comprised of the Director of Urban Forestry and representatives from the Board of Alderman, Law Department, Inspectional Services Department, Planning Department, and Tree Commission. This group would examine the following recommendations and review other deficiency in the Tree Preservation Ordinance not apparent here.

***Note:** The issues and recommendations presented here are solely based on the Director of Urban Forestry's experiences, observations and interpretation of the Tree Preservation Ordinance. As noted previously it is recommended that a group of selected and interested parties review the Tree Preservation Ordinance as a whole.

Issue One

The major issue impacting the intent of the Tree Preservation Ordinance is the Exemption distinction . Routinely *property owners* use the provision of section 20—32 (b) to work around the intent of the Ordinance or to directly violate it. Under the current rules of the Ordinance a property only has to be occupied at the moment the tree removal permit application is filed or an exterior work permit is sought or at the time that trees are being removed. The Ordinance does not require that the property remain occupied following the removal of the trees and only requires that it be owned by the same person. Builders and Developers will use several different approaches and scenarios to exploit this aspect of the Tree Preservation Ordinance.

Recommendation One — Legal

It is recommended that the word "owner" be inserted in the section of the Ordinance below.

Section 20-31. Definitions—Exempt lot (a) the lot is [owner] occupied and used primarily as a dwelling for up to four (4) families;

In addition to this change it is recommended that **owner** be defined as well as **occupied**.

Currently it is difficult to determine occupancy because of a lack of definition in the Tree Preservation Ordinance and rules to use to make a determination. Developers and Builders are exploiting the definition of occupied to claim they occupy or have an occupant in the property at the time the trees are to be removed. Once the trees are removed the property becomes unoccupied and they must only own it for twelve more months:

Issue Two

Enforcement of the Tree Preservation Ordinance is a time consuming task that takes vigilance and flexibility. When the Tree Preservation Ordinance was passed the duties and responsibilities were delegated to the Director of Urban Forestry to do in conjunction with their other existing responsibilities. The current level of enforcement and management requires that on average 10 to 20 hours per week (this number fluctuates seasonally) are spent on the Tree Preservation Ordinance. The current level of enforcement does not adequately address all the rules of the Tree Preservation Ordinance. The current level of enforcement does not allow the City to monitor or catch the daily violations that occur City-wide. The Director relies on notification by the public, other City Agencies and honest and up front Builders, Developers and property owners of potential issues.

Recommendation Two — Part 1 — Operational

It is recommended that additional steps and mechanisms are put in place that will allow the City to insure that fewer intentional and accidental violations of the Tree Preservation Ordinance occur. The following are some

Recommendations

suggested steps to meet this goal. Some of these items are already being attempted or done in a less formal form.

- **Require a sign off by the Tree Warden (or designee here in referred to as the Director of Urban Forestry) on all exterior work permits impacting trees.**
- **Require review of all special permit requests involving the exterior of properties.**
- **Require all Property owners to seek a Tree Removal Permit or Exemption Form from the Director of Urban Forestry prior to the removal of a tree and prior to the issuance of an exterior work permit. *see note at end of section**
- **Monitor all Exterior Permits issued by Inspectional Services Department.**
- **Regularly patrol City in search of violations.**

Recommendation Two—Part 2—Legal

The recommendations above would significantly cut back on the number of violations and would insure the intent of the Tree Ordinance would be met. The above recommendations would **dramatically** increase the number of hours spent on the Ordinance. It is estimated that the above recommendations on top of the current level of management would result in 30 to 40 additional hours of work per week (see appendix for staff time information).

It is recommended that a fee structure be added to the language of the Tree Preservation Ordinance that would support a new Enforcement Position.

*It is being interpreted that Section 20-32. *Applicability, permit or certificate of exemption required*, requires that a Removal Permit or Exemption form be issued any time a Protected Tree is to be removed. Currently Removal permits are issued as required under the Ordinance but Exemptions are not. Exemptions are done by a petitioner filing an affidavit stating they are exempt. Once they have filed the affidavit they are free to remove the trees before any determination can be made if they are actually exempt. This

process currently only occurs at Inspectional Services when an applicant is filing for an Exterior Work Permit. Any other time a tree is removed from and Exempt Lot we are unaware of it. Also, individuals looking to avoid the regulations of the Ordinance remove trees prior to seeking Exterior Work Permits or immediately prior to the sale of a property.

Conclusion

There are several other minor tweaks and changes that could be made to clarify different aspects and requirements which could be dealt with under the recommended review process. By enlarge these changes would only make minor enhancements.

If it is the intent of the of the Tree Preservation Ordinance to reduce the effects of tree loss throughout the City than it has been moderately successful. If it is the intent of the Tree Preservation Ordinance to prevent tree loss on all but owner occupied properties where the owner intends to live for at least 12 months than it has only been marginally successful.

In addition to the revisions and issues presented here for the Tree Preservation Ordinance it is also recommended that a similar Ordinance be enacted in the City that places the same protections to publicly owned trees. Under State Law there already exists protections to public shade trees, however the statute is nearly 100 years old and does not provide enough protection to all public trees. An ordinance similar to the Tree Preservation Ordinance could put in place a mechanism that would protect trees during construction on private and public property where access to public streets and property is required. It would also regulate the activities of overhead utility companies when working near or on public trees. If enacted this ordinance would be managed in much of the same way as the Tree Preservation Ordinance is currently and as proposed in this document.

It is recommended that a similar or the same group as proposed earlier develop and review a Public Tree Protection Ordinance.

Appendix 1 — Tree Preservation Ordinance

ARTICLE IV. TREE PRESERVATION

Sec. 20-31. 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 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 either of the following criteria at the time that the tree removal permit application is filed or an exterior work permit is sought or at the time that trees are being removed:

(a) the lot is occupied and used primarily as a dwelling for up to four (4) families; or

(b) the lot is vacant and is adjacent to a lot used solely as an owner occupied dwelling for up to four (4) families and owned by the same person and the owner of such vacant lot wishes to remove trees from such vacant lot in order to construct a dwelling for up to four (4) families which said owner will occupy.

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 special permit for grade change of more than three (3) feet pursuant to section 30-5(b)(4); 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.

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") DBH or larger and which is located on land subject to the provisions of section 20-32.

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.

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.

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 Warden: The commissioner of parks and recreation or his designee.

Editor's note—Ordinance V-275 contained a lengthy and detailed Declaration of legislative findings and intent, which is on file in the records of the Board of Aldermen.

Sec. 20-32. 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.

(b) *Permit, certificate of exemption:* No person shall remove a protected tree located on land subject to the provisions of this article without first obtaining a tree removal permit or a certificate of exemption from the tree warden. Applications shall be made in writing on forms specified by the tree warden. An owner of an exempt lot shall not be required to apply for a tree removal permit, provided, however, that an owner of an exempt lot who seeks an exterior work permit must certify to the tree warden on forms provided by the tree warden that the owner intends to own such exempt lot for at least twelve consecutive months. There shall be no fee for filing a certificate of exemption. (Ord. No. V-275, 12-6-99)

Sec. 20-33. Permit application.

Appendix 1 — Tree Preservation Ordinance

(a) *Contents, fee:* An application for a tree removal permit shall be submitted to the tree warden. The application for a tree removal permit shall be accompanied by a fee in the amount of fifty dollars (\$50.00) and shall include, but not be limited to, the following:

- (1) 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;
- (2) A tree plan showing the location, type and size of each protected tree indicating which protected tree(s) are to be removed, and the location, type and size of replacement trees;
- (3) 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;
- (4) The location of existing and proposed underground or overhead utility services, existing and proposed roadways, bikeways, walkways and parking areas;
- (5) Any proposed grade changes which might adversely affect or endanger any protected tree with a statement prepared by a certified arborist explaining how each such protected tree shall be protected and maintained;
- (6) The proposed method of protecting the remaining protected trees during the course of the construction in accordance with section 20-34, subsection (a).

(b) *Review of permit applications:* The tree warden shall review applications for tree removal 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 removal permit. The tree warden shall complete the review of each tree removal 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 inspectional services within ten (10) business days of a request with respect to any tree removal permit application submitted in connection with a building permit as to whether said tree removal permit has been granted or denied. If no such report is received by the commissioner within the above-stated time period, he shall accept an application for a building permit without receipt of such report.

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

- (1) The protected tree will be relocated or replaced on site.
- (2) The protected tree will be replaced by the off-site planting of tree(s) of the same or equivalent size as measured in DBH inches. 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. Off-site plantings shall be made in accordance with written priorities established by the tree warden as stated in the Tree Manual. 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.
- (3) The protected tree is interfering with existing structures, utilities, streets, sidewalks or other existing improvements and the relocation of the protected tree is not feasible as certified to the tree warden by a certified arborist.
- (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.
- (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.

(d) *Conditions:* Upon the issuance of a tree removal 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

Appendix 1 — Tree Preservation Ordinance

been adequately provided.

(e) *Construction*: Except as provided in a tree removal permit, construction activities under the drip line of a protected tree are prohibited. Activities include, but are not limited to, trenching or grading, storage of materials or equipment, passage of heavy equipment within the drip line and spillage of chemicals or other materials, which are damaging to trees.

(f) *Suspension or revocation*: A tree removal 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 removal permit upon compliance, where practicable. The suspension or revocation of a tree removal 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 removal permit nor shall such suspension or revocation be cause for withholding the issuance of a certificate of occupancy.

(g) *Appeal*: Any person aggrieved by a decision of the tree warden may file an appeal with the mayor or his designee. Said appeal must be in writing and must be received by the mayor or his designee within five (5) business days of issuance of the tree warden's decision. Upon receipt of such appeal, the mayor or his designee shall provide a copy to the clerk of the board of aldermen and to each alderman for the ward in which the trees are located. The mayor or his designee shall make a final decision on the matter within thirty (30) days from the date of receipt of the appeal request. The mayor or his designee shall include in the decision the rationale therefor. Upon issuance of the final decision, the mayor or his designee shall provide a copy to the clerk of the board of aldermen and to each ward alderman for the ward in which the trees are located. There shall be no further appeal of the matter decided by the mayor or his designee. No protected trees shall be removed while an appeal is pending.

Sec. 20-34. 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 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 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)

Sec. 20-35. 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 20-32 without a tree removal 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 removal permit in accordance with section 20-33, shall replace such tree within one year from the date of removal 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.

(2) In the event that a tree of the same or equivalent size as measured in DBH inches

Appendix 1 — Tree Preservation Ordinance

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.

(3) A replacement tree shall be required to survive for a minimum of one (1) year from the date it is planted. The 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.

(4) A replacement tree shall be planted on the same lot from which the tree was removed or at a location determined by the tree warden in accordance with the priorities stated in the Tree Manual. (Ord. No. V-275, 12-6-99)

Sec. 20-36. 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 20-35, a person who has been granted a tree removal 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 20-35, which cost shall be determined by the tree warden who shall obtain written estimates from at least two (2) tree companies.

(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)

Sec. 20-37. 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 or registered 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 20-36, subsection (c), 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 20-38, subsection (c).

(b) *Stop work order:*

(1) Upon notice from the tree warden that work on any protected tree, or 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 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 pro-

Appendix I — Tree Preservation Ordinance

vision of an approved tree removal 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)

Sec. 20-38. 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) *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)

Sec. 20-39. 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)

Secs. 20-40—20-49. Reserved.

e) DEPARTMENT OF PARKS AND RECREATION: The commissioner of parks and recreation, in his capacity as tree warden, or such other municipal official as may hereafter be assigned the duties of tree warden, shall be authorized to issue written notice of the following violations:

PENALTY

() Warning: \$0.00

Sec. 20-32. Removal of a tree without a permit

() Any offense \$300.00

Sec. 20-33. Failure to comply with a condition contained in a tree removal permit

() Any offense \$300.00

Sec. 20-35. Failure to replace a tree

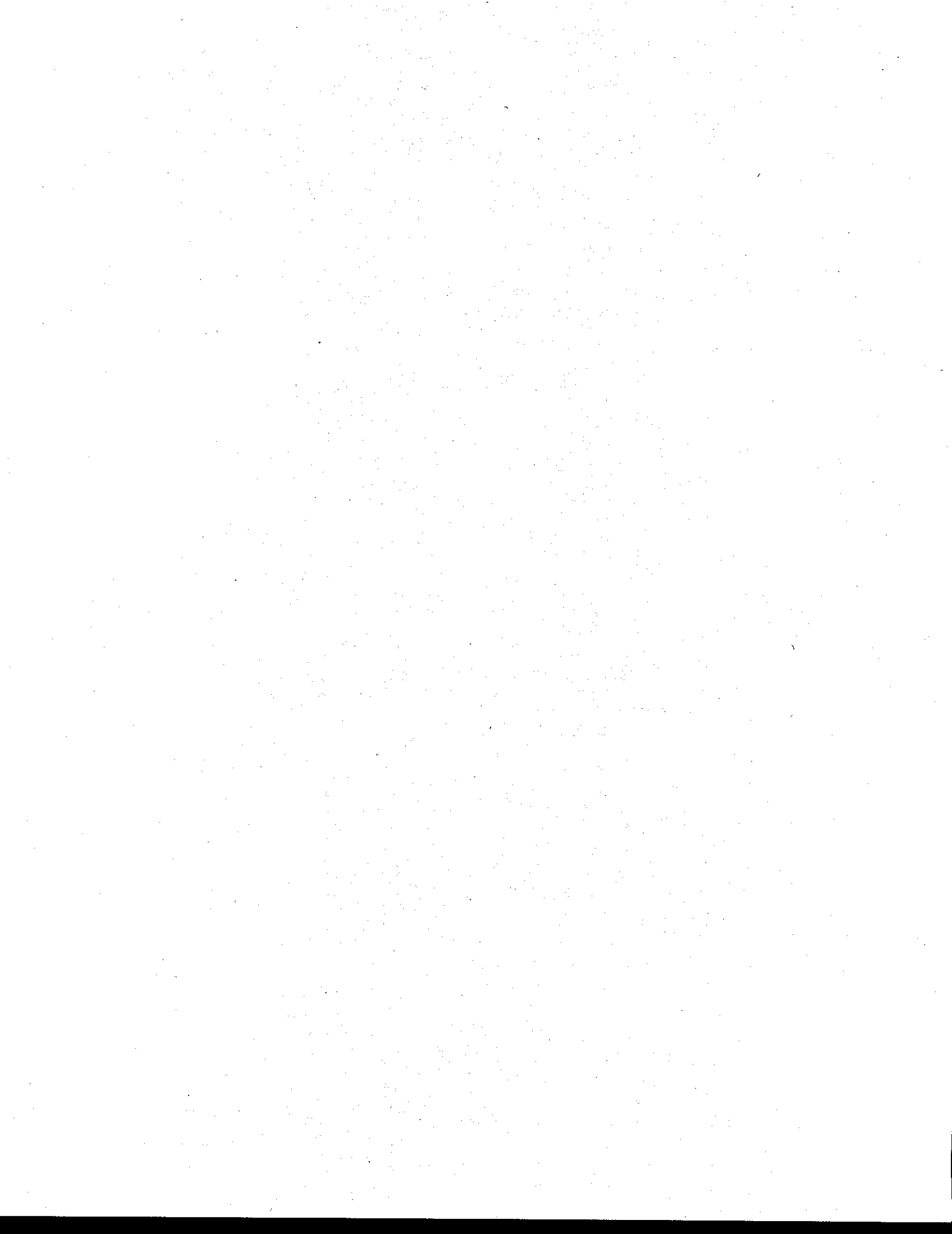
() Any offense \$300.00

Sec. 20-36. Failure to make a payment into the tree replacement fund

() Any offense \$300.00

Sec. 20-37. Failure to comply with a stop work order

() Any offense \$300.00





SETTI D. WARREN
MAYOR

A division of
NEWTON PARKS AND RECREATION

70 Crescent Street, Newton, MA 02466
urbanforestry@newtonma.gov
Office: (617) 796-1530
Fax: (617) 796-1512



MEMORANDUM

Date: January 28, 2010
To: Amy Mah Sangiolo,
Alderman, Chair of Program and Services
From: Marc R. Welch
Director of Urban Forestry
RE: Docket item number 125-09 progress update

Alderman Sangiolo

I wish to update you and the Program and Services committee on the status of the docket #125-09 ". . .creation of a public tree protection ordinance and amendment of the current tree ordinance as recommended in the Tree Preservation Ordinance Report."

Marie Lawlor and I have reviewed and gone through several iterations. Our work has focused on two things, creating ordinance language that protects City owned trees and we have looked at ways to strengthen the current tree preservation ordinance as it relates to private trees. We used the work the Urban Tree Commission's did and the existing Tree Preservation Ordinance to craft a solid starting point. One major stumbling block in creating an ordinance that applies to public trees is that existing State Laws control what can and can not be done in regards to Public Shade Trees (which are basically defined as street trees). Currently Marie is reviewing these issues against the goals related to creating the ordinance. We have found some of what was initially done in the Draft by the Urban Tree Commission can not be enacted as an ordinance but can be achieved by the Tree Warden creating regulations.

An important component to the proposed ordinance is a permitting process relative to the pruning of public trees away from overhead utility wires. This has required that Marie research the extent the City can regulate this work. Public utilities are offered certain protections in regard to these issues under state law.

A considerable issue we seem to be facing with the creation of an ordinance that protects public trees as well as closing loop holes in the current "private" tree ordinance is the impact on resources to manage and enforce it. Current staffing does not allow us to enforce and manage the current Tree Preservation Ordinance to the extent it requires. Adding an additional ordinance that regulates public trees will increase, potentially significantly, the resources needed to enforce. Additionally any improvements to the current Tree Preservation Ordinance would also further impact resources.

Currently we are continuing to look at developing an ordinance that does not supersede State Laws and Regulations. Our hope is that we will be ready to present a draft by the end of February.



DAVID B. COHEN
MAYOR

URBAN FORESTRY

A division of
NEWTON PARKS AND RECREATION

70 Crescent Street, Newton, MA 02466
newtonforestry@newtonma.gov
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Fax: (617) 796-1512



FRAN L. TOWLE
COMMISSIONER

March 19, 2009

Alderman Susan Albright
Chair Post Audit and Oversight Committee
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Dear Alderman Albright:

Attached please find my report as requested by Post Audit and Oversight on January 27, 2009. This report is based on a discussion that was prompted by Docket item #402-08 Ald. Johnson and Sangiolo requesting a discussion with the Executive Department as to how the tree funds are being collected and spent. [11-10-08 @ 8:53 AM].

This report highlights the topics we discussed including some additional information about the condition of the City's Street trees and the important role it plays in the discussion on how and where the funds received from the Tree Preservation Ordinance are used.

You will find my recommendations on what aspects of the Tree Preservation Ordinance should be examined for potential revision. I look forward to the Committee's feedback and am happy to discuss any questions, comments or issues related to the report or any other information.

Sincerely,

Marc R. Welch
Director of Urban Forestry
City of Newton

09 MAR 20 AM 8:57
CITY CLERK
NEWTON, MA. 02159

DRAFT FOR DISCUSSION PURPOSES ONLY 4/16/2010

Chapter 20

Insert a new ARTICLE X REGULATION OF PUBLIC TREES

Sec. 20-72 Public Tree Regulation

(a) Purpose

The purpose of this ordinance is to promote a diverse, healthy and sustainable urban forest in order to provide for the general welfare of Newton's citizens. A healthy urban forest improves the quality of air and water, controls erosion, moderates air temperature, absorbs carbon, reduces noise, enhances appearance and increases property values. Public trees also define public spaces and create civic identity. This ordinance sets out measures to protect trees located on city property and on public rights of way from construction and other preventable damage; to establish conditions for long-term preservation and expansion of the urban forest; to extend the protections afforded by the Tree Preservation Ordinance to city-owned trees and supplement Chapter 87 of the Massachusetts General Laws.

(b) Definitions

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.

Caliper: Is the measure of a newly installed tree and is determined in the following manner - Caliper measurement of the trunk shall be taken six inches above the ground up to and including four-inch caliper size. If the caliper at six inches above the ground exceeds four inches, the caliper should be measured at twelve inches above the ground.

Certified arborist: An arborist certified by the Massachusetts Arborists Association, 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.

Person: Any person, firm, partnership, association, corporation, company or organization of any kind including, but not limited to, the person removing a Public Tree as well as the owner of the real property from which the tree is removed.

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.

10 APR 16 PM 5:40
CITY CLERK
NEWTON, MASSACHUSETTS

Public tree: Any tree having a diameter of eight inches (8") DBH or larger or having an aggregate diameter of fifteen inches (15") DBH or larger and which is located on land owned by the City of Newton.

Public Shade Tree: Any tree within the City that fits the definition of Public Shade Tree under MGL Ch. 87

Remove (including removing and removal): The cutting down of any Public Tree or Public Shade 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 Public Tree, including, but not limited to, excessive or improper pruning.

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 Warden: The commissioner of parks and recreation or his designee.

(c) Applicability: The terms and provisions of this article shall apply be administered by the Tree Warden and shall apply to any Public Shade Tree as defined in G.L. c. 87 and to any Public Tree located on land owned and managed by the City of Newton, with the exception of the land under the auspices of the Conservation Commission.

(d) Permit: No person shall remove, prune or alter a Public Tree or Public Shade Tree located on land subject to the provisions of this article without first obtaining a tree permit from the tree warden. Applications shall be made in writing on forms specified by the tree warden.

(e) Activities requiring a Tree Permit: A Tree Permit issued by the tree warden is required prior to any of the following activities:

1. Any exterior work that requires the removal of a Public Tree;
2. Any construction on City property within the dripline of a Public Tree;
3. Removal of a Public Shade Tree. This requirement is in addition to the requirements of G.L. c. 87 pertaining to removal of a Public Shade Tree;
4. Construction within that portion of the dripline of a Public Shade Tree that is located over the public right of way.
5. Pruning or treatment for the benefit of the health, safety, or overall well being of a Public Shade Tree and/or Public Tree, as deemed appropriate by the tree warden, by anyone other than the tree warden or his designee as provided in G.L. Ch. 87;
6. Planting of a tree in the public right of way or on City property by anyone other than the tree warden or his designee as outlined under G.L. Ch. 87;

7. Pruning or altering of a Public Shade Tree and/or Public Tree for the purposes of overhead utility line clearance;
8. Affixing or hanging anything from a Public Shade Tree or Public Tree.

(f) Permit application; fee: An application for a Tree Permit shall be submitted to the tree warden. Such application shall be on a form prescribed by the tree warden and shall include any materials or information required by the tree warden based on the nature of the activity for which application is made. The application for a Tree Permit shall be accompanied by a fee of \$150.00. Such fee shall be waived if the applicant is a city department, agency, commission or other public instrumentality of the city.

(g) Review of permit applications: The tree warden shall review applications for Tree Permits in accordance with the provisions of this article and with any rules or regulations promulgated hereunder. 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 except in the case of a request to remove a Public Shade Tree which shall be subject to the procedures set forth in G.L. c. 87.

(h) Conditions: The tree warden may condition issuance of a Tree Permit upon such measures as he deems necessary to protect existing Public Trees or Public Shade Trees. Such conditions shall be in writing. The tree warden shall make a determination that the prescribed protected measures have been adequately provided before site disturbance related to the permitted activity may begin.

(i) Construction: Except as provided in a Tree Permit, construction activities on City owned property and public right of ways under the drip line of a Public Tree or Public Shade Tree are prohibited. Prohibited construction activities include, but are not limited to, trenching or grading, storage of materials or equipment, passage of heavy equipment within the drip line and spillage of chemicals or other materials, which are damaging to trees.

(j) Suspension or revocation: The tree warden may suspend or revoke a Tree Permit at any time upon written notice to the permit holder that the permit holder has failed to comply with any provisions of this section, or with any rules or regulations promulgated hereunder, or with the conditions of the permit. 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 of such Tree Permit nor shall such suspension or revocation be cause for withholding the issuance of a certificate of occupancy.

(k) Public Tree Removal: The Tree Warden shall notify the Urban Tree Commission upon receipt of an application to cut down or remove a public tree, and no public tree shall be removed pursuant to a permit until five (5) days after its issuance unless such removal of the tree(s) is

necessary based on a determination by the Tree Warden that at least one of the following conditions are met.

1. The public tree is interfering with existing structure, utilities, streets, sidewalks or proposed necessary improvements, and there is no alternative to removal;
2. The public 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.
3. The removal of the public 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.

(l) Appeal: Any person aggrieved by a decision of the tree warden may file an appeal with the mayor or his designee. Said appeal must be in writing and must be received by the mayor or his designee within five (5) business days of issuance of the tree warden's decision. Upon receipt of such appeal, the mayor or his designee shall provide a copy to the clerk of the board of aldermen and to each alderman for the ward in which the trees are located. The mayor or his designee shall make a final decision on the matter within thirty (30) days from the date of receipt of the appeal request. The mayor or his designee shall include in the decision the rationale there for. Upon issuance of the final decision, the mayor or his designee shall provide a copy to the clerk of the board of aldermen and to each ward alderman for the ward in which the trees are located. There shall be no further appeal of the matter decided by the mayor or his designee. No public trees shall be removed while an appeal is pending.

(m) Permit length: Any permit issued by the Tree Warden shall be valid for sixty (60) days from issuance. Length may be extended by Tree Warden following written request by the applicant. The tree Warden may grant the extension for any length of time as he deems necessary and appropriate.

(n) Emergencies: If any Public Tree or Public Shade 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 he deems necessary, and the Public Tree or Public Shade 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.

(o) Waiver: The requirements of this section 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)

(p) Tree replacement: The tree warden may require that replacement of a removed public tree or public shade tree in the manner required in section 20-35 of these ordinances and in any rule or regulation or the tree warden.

(q) Payment in lieu of planting replacement tree(s): In lieu of planting a replacement tree as provided in section (q) a person who has been granted a tree permit may make a contribution to the tree replacement fund as established in section 20-36 in an amount equal to the cost to replace the tree in accordance with the provisions of section 20-35, which cost shall be determined by the tree warden who shall maintain on file the City's current tree planting costs.

(r) Rules and regulations: The tree warden is authorized to promulgate reasonable rules and regulations to implement administration and enforcement of this section

(s) Penalties

1. *Removal without a permit:* Each instance in which a Public 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). Each day such violation continues shall constitute a separate offense.

2. *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.

3. *Damage to Public Tree or Public Shade Tree:* Carving, breaking of limbs, poisoning, shaving of roots, girdling, nailing, topping or otherwise damaging, injuring or putting a Public Tree or Public Shade Tree at risk is prohibited and may be subject to a penalty of \$300.00 and/or corrective actions shall be required. Each day such violation continues shall constitute a separate offense.

4. *Failure to obtain a permit:* Each instance in which an action requiring a permit under this ordinance is conducted without a permit shall constitute a violation of this ordinance which shall be subject to a fine in the amount of three hundred dollars (\$300). Each day such violation continues shall constitute a separate offense.

5. *Failure to comply with the Tree Warden Regulations:* Each instance in which an action violates the Tree Warden Regulations shall constitute a violation of this ordinance which shall be subject to a fine in the amount of three hundred dollars (\$300). Each day such violation continues shall constitute a separate offense.

6. Nothing herein shall be construed to require the city to make a payment for violation of this article; however the City of Newton agency that caused the violation shall be responsible for the costs of replacement or repair of the tree(s) which were damaged or removed.

(t) Enforcement: The commissioner of parks and recreation, in his capacity as tree warden, or such other municipal official as may hereafter be assigned the duties of tree warden, shall be authorized to enforce the provisions of this section and issue written notice of the following violations:

(u) 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.

(v) Conflict of laws: 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.

Private

Public

Purpose

	<p><u>The purpose of this ordinance is to promote a diverse, healthy and sustainable urban forest in order to provide for the general welfare of Newton's citizens. A healthy urban forest improves the quality of air and water, controls erosion, moderates air temperature, absorbs carbon, reduces noise, enhances appearance and increases property values. Public trees also define public spaces and create civic identity. This ordinance sets out measures to protect trees located on city property and on public rights of way from construction and other preventable damage; to establish conditions for long-term preservation and expansion of the urban forest; to extend the protections afforded by the Tree Preservation Ordinance to city-owned trees and supplement Chapter 87 of the Massachusetts General Laws.</u></p>
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Definitions

<p><i>Aggregate diameter</i> : The combined diameter of a multiple trunk tree measured at breast height.</p>	<p><i>Aggregate diameter</i> : The combined diameter of a multiple trunk tree measured at breast height.</p>
<p><i>Building</i> : The term "building" shall be as defined in section 30-1.</p>	<p><i>Building</i> : The term "building" shall be as defined in section 30-1.</p>
	<p><u>Caliper: Is the measure of a newly installed tree and is determined in the following manner - Caliper measurement of the trunk shall be taken six inches above the ground up to and including four-inch caliper size. If the caliper at six inches above the ground exceeds four inches, the caliper should be measured at twelve inches above the ground.</u></p>
<p><i>Certified arborist</i> : An arborist certified by the Massachusetts Arborists Association, or any successor organization.</p>	<p><i>Certified arborist</i> : An arborist certified by the Massachusetts Arborists Association, or any successor organization.</p>
<p><i>Diameter breast height (DBH)</i> : The diameter of the trunk of a tree 4½ feet above the existing grade at the base of the tree.</p>	<p><i>Diameter breast height (DBH)</i> : The diameter of the trunk of a tree 4½ feet above the existing grade at the base of the tree.</p>
<p><i>Drip line</i> : A vertical line running through the outermost portion of the crown of a tree and extending to the ground.</p>	<p><i>Drip line</i> : A vertical line running through the outermost portion of the crown of a tree and extending to the ground.</p>
<p><i>Exempt lot</i> : A lot which meets either of the following criteria at the time that the tree removal permit application is filed or an exterior work permit is sought or at the time that trees are being removed: (a) the lot is occupied and used primarily as a dwelling for up to four (4) families; or (b) the lot is vacant and is adjacent to a lot used solely as an owner occupied dwelling for up to four (4) families and owned by the same person and the owner of such vacant lot wishes to remove trees from such vacant lot in order to construct a dwelling for up to four (4) families which said owner will occupy.</p>	

Private

Public

<p><i>Exterior work permit</i> : 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 special permit for grade change of more than three (3) feet pursuant to section 30-5(b)(4); 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.</p>	
<p><i>Person</i> : 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.</p>	<p><i>Person</i> : Any person, firm, partnership, association, corporation, company or organization of any kind including, but not limited to, the person removing a Public Tree as well as the owner of the real property from which the tree is removed.</p>
<p><i>Protected tree</i> : Any tree having a diameter of eight inches (8") DBH or larger or having an aggregate diameter of fifteen inches (15") DBH or larger and which is located on land subject to the provisions of section 20-32.</p>	
<p><i>Pruning standards</i> : Standards for pruning as defined in the City of Newton Tree Management Manual, 1995 and any future amendments or revisions to the same.</p>	<p><i>Pruning standards</i> : Standards for pruning as defined in the City of Newton Tree Management Manual, 1995 and any future amendments or revisions to the same.</p>
	<p><u>Public tree: Any tree having a diameter of eight inches (8") DBH or larger or having an aggregate diameter of fifteen inches (15") DBH or larger and which is located on land owned by the City of Newton.</u></p>
	<p><u>Public Shade Tree: Any tree within the City that fits the definition of Public Shade Tree under MGL Ch. 87</u></p>
<p><i>Remove (including removing and removal)</i> : 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.</p>	<p><i>Remove (including removing and removal)</i>: The cutting down of any protected Public Tree or Public Shade 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 Public Tree, including, but not limited to, excessive or improper pruning.</p>
<p><i>Tree Manual</i> : The City of Newton Tree Management Manual, 1995, and any future amendments and revisions to the same.</p>	<p><i>Tree Manual</i> : The City of Newton Tree Management Manual, 1995, and any future amendments and revisions to the same.</p>
<p><i>Tree Warden</i> : The commissioner of parks and recreation or his designee.</p>	<p><i>Tree Warden</i> : The commissioner of parks and recreation or his designee.</p>
<p><i>Applicability</i> : 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.</p>	<p><i>Applicability</i>: The terms and provisions of this article shall <u>apply be administered by the Tree Warden and shall apply to any Public Shade Tree as defined in G.L. c. 87 and to any Public Tree located on land owned and managed by the City of Newton, with the exception of the land under the auspices of the Conservation Commission.</u></p>
<p><i>Permit, certificate of exemption</i> : No person shall remove a protected tree located on land subject to the provisions of this article without first obtaining a tree removal permit or a certificate of exemption from the tree warden. Applications shall be made in writing on forms specified by the tree warden. An owner of an exempt lot shall not be required to apply for a tree removal permit, provided, however, that an owner of an exempt lot who seeks an exterior work permit must certify to the tree warden on forms provided by the tree warden that the owner intends to own such exempt lot for at least twelve</p>	<p><u>Permit: No person shall remove, prune or alter a Public Tree or Public Shade Tree located on land subject to the provisions of this article without first obtaining a tree permit from the tree warden. Applications shall be made in writing on forms specified by the tree warden.</u></p>

Private

Public

<u>Permit Application</u>	
	<u>(d) Permit: No person shall remove, prune or alter a Public Tree or Public Shade Tree located on land subject to the provisions of this article without first obtaining a tree permit from the tree warden. Applications shall be made in writing on forms specified by the tree warden.</u>
	<u>(e) Activities requiring a Tree Permit: A Tree Permit issued by the tree warden is required prior to any of the following activities:</u>
	<u>1. Any exterior work that requires the removal of a Public Tree;</u>
	<u>2. Any construction on City property within the dripline of a Public Tree;</u>
	<u>3. Removal of a Public Shade Tree. This requirement is in addition to the requirements of G.L. c. 87 pertaining to removal of a Public Shade Tree;</u>
	<u>4. Construction within that portion of the dripline of a Public Shade Tree that is located over the public right of way.</u>
	<u>5. Pruning or treatment for the benefit of the health, safety, or overall well being of a Public Shade Tree and/or Public Tree, as deemed appropriate by the tree warden, by anyone other than the tree warden or his designee as provided in G.L. Ch. 87;</u>
	<u>6. Planting of a tree in the public right of way or on City property by anyone other than the tree warden or his designee as outlined under G.L. Ch. 87;</u>
	<u>7. Pruning or altering of a Public Shade Tree and/or Public Tree for the purposes of overhead utility line clearance;</u>
	<u>8. Affixing or hanging anything from a Public Shade Tree or Public Tree.</u>
<u>(a) Contents, fee :</u> An application for a tree removal permit shall be submitted to the tree warden. The application for a tree removal permit shall be accompanied by a fee in the amount of fifty dollars (\$50.00) and shall include, but not be limited to, the following:	<u>(f) Permit application; fee: An application for a Tree Permit shall be submitted to the tree warden. Such application shall be on a form prescribed by the tree warden and shall include any materials or information required by the tree warden based on the nature of the activity for which application is made. The application for a Tree Permit shall be accompanied by a fee of \$150.00. Such fee shall be waived if the applicant is a city department, agency, commission or other public instrumentality of the city.</u>
(1) 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;	
(2) A tree plan showing the location, type and size of each protected tree indicating which protected tree(s) are to be removed, and the location, type and size of replacement trees;	
(3) 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;	

Private

Public

<p>(4) The location of existing and proposed underground or overhead utility services, existing and proposed roadways, bikeways, walkways and parking areas;</p>	
<p>(5) Any proposed grade changes which might adversely affect or endanger any protected tree with a statement prepared by a certified arborist explaining how each such protected tree shall be protected and maintained;</p>	
<p>(6) The proposed method of protecting the remaining protected trees during the course of the construction in accordance with section 20-34, subsection (a).</p>	
<p>(b) Review of permit applications: The tree warden shall review applications for tree removal 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 removal permit. The tree warden shall complete the review of each tree removal 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 inspectional services within ten (10) business days of a request with respect to any tree removal permit application submitted in connection with a building permit as to whether said tree removal permit has been granted or denied. If no such report is received by the commissioner within the above-stated time period, he shall accept an application for a building permit without receipt of such report.</p>	<p>(g) Review of permit applications: The tree warden shall review applications for <u>Tree Permits</u> in accordance with the provisions of this article <u>and with any rules or regulations promulgated hereunder</u>. The tree warden shall date stamp or otherwise record the date of filing of each application for a <u>Tree Permit</u>. The tree warden shall complete the review of each <u>Tree Permit</u> application no later than ten (10) business days after the submission of a completed application to the tree warden <u>except in the case of a request to remove a Public Shade Tree which shall be subject to the procedures set forth in G.L. c. 87.</u></p>
<p>(c) Standards for grant or denial: No tree removal permit shall be issued unless one of the following conditions exists:</p>	
<p>(1) The protected tree will be relocated or replaced on site.</p>	
<p>(2) The protected tree will be replaced by the off-site planting of tree(s) of the same or equivalent size as measured in DBH inches. 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. Off-site plantings shall be made in accordance with written priorities established by the tree warden as stated in the Tree Manual. 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.</p>	

Private

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<p>(3) The protected tree is interfering with existing structures, utilities, streets, sidewalks or other existing improvements and the relocation of the protected tree is not feasible as certified to the tree warden by a certified arborist.</p>	
<p>(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.</p>	
<p>(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.</p>	
<p>(d) Conditions: Upon the issuance of a tree removal 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.</p>	<p><u>(h) Conditions: The tree warden may condition issuance of a Tree Permit upon such measures as he deems necessary to protect existing Public Trees or Public Shade Trees. Such conditions shall be in writing. The tree warden shall make a determination that the prescribed protected measures have been adequately provided before site disturbance related to the permitted activity may begin.</u></p>
<p>(e) <i>Construction</i>: Except as provided in a tree removal permit, construction activities under the drip line of a protected tree are prohibited. Activities include, but are not limited to, trenching or grading, storage of materials or equipment, passage of heavy equipment within the drip line and spillage of chemicals or other materials, which are damaging to trees.</p>	<p><u>(i) Construction</u> : Except as provided in a <u>Tree Permit</u>, construction activities on <u>City owned property and public right of ways</u> under the drip line of a <u>Public Tree or Public Shade Tree</u> are prohibited. Prohibited construction activities include, but are not limited to, trenching or grading, storage of materials or equipment, passage of heavy equipment within the drip line and spillage of chemicals or other materials, which are damaging to trees.</p>

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<p>(f) <i>Suspension or revocation</i> : A tree removal 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 removal permit upon compliance, where practicable. The suspension or revocation of a tree removal 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 removal permit nor shall such suspension or revocation be cause for withholding the issuance of a certificate of occupancy.</p>	<p>(j) Suspension or revocation: <u>The tree warden</u> may suspend or revoke a <u>Tree Permit</u> at any time upon written notice to the permit holder that the permit holder has failed to comply with any provisions of this section, or with any rules or regulations promulgated hereunder, or with the conditions of the permit. 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 <u>Tree Permit</u> upon compliance, where practicable. The suspension or revocation of a <u>Tree Permit</u> in accordance with this subsection shall not affect the validity of a building permit issued in reliance upon the issuance of such <u>Tree Permit</u> nor shall such suspension or revocation be cause for withholding the issuance of a certificate of occupancy.</p>
	<p><u>(k) Public Tree Removal: The Tree Warden shall notify the Urban Tree Commission upon receipt of an application to cut down or remove a public tree, and no public tree shall be removed pursuant to a permit until five (5) days after its issuance unless such removal of the tree(s) is necessary based on a determination by the Tree Warden that at least one of the following conditions are met.</u></p>
	<p><u>1. The public tree is interfering with existing structure, utilities, streets, sidewalks or proposed necessary improvements, and there is no alternative to removal;</u></p>
	<p><u>2. The public 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.</u></p>
	<p><u>3. The removal of the public 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.</u></p>

Private

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(g) Appeal: Any person aggrieved by a decision of the tree warden may file an appeal with the mayor or his designee. Said appeal must be in writing and must be received by the mayor or his designee within five (5) business days of issuance of the tree warden's decision. Upon receipt of such appeal, the mayor or his designee shall provide a copy to the clerk of the board of aldermen and to each alderman for the ward in which the trees are located. The mayor or his designee shall make a final decision on the matter within thirty (30) days from the date of receipt of the appeal request. The mayor or his designee shall include in the decision the rationale therefor. Upon issuance of the final decision, the mayor or his designee shall provide a copy to the clerk of the board of aldermen and to each ward alderman for the ward in which the trees are located. There shall be no further appeal of the matter decided by the mayor or his designee. No protected trees shall be removed while an appeal is pending.

(g) Appeal: Any person aggrieved by a decision of the tree warden may file an appeal with the mayor or his designee. Said appeal must be in writing and must be received by the mayor or his designee within five (5) business days of issuance of the tree warden's decision. Upon receipt of such appeal, the mayor or his designee shall provide a copy to the clerk of the board of aldermen and to each alderman for the ward in which the trees are located. The mayor or his designee shall make a final decision on the matter within thirty (30) days from the date of receipt of the appeal request. The mayor or his designee shall include in the decision the rationale therefor. Upon issuance of the final decision, the mayor or his designee shall provide a copy to the clerk of the board of aldermen and to each ward alderman for the ward in which the trees are located. There shall be no further appeal of the matter decided by the mayor or his designee. No public trees shall be removed while an appeal is pending.

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	<p><u>(m) Permit length: Any permit issued by the Tree Warden shall be valid for sixty (60) days from issuance. Length may be extended by Tree Warden following written request by the applicant. The tree Warden may grant the extension for any length of time as he deems necessary and appropriate.</u></p>
<p>Sec. 20-34. 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 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.</p>	
<p>(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 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.</p>	<p>(b) Emergencies: If any <u>Public or Public Shade</u> 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 he deems necessary, and the <u>Public or Public Shade</u> 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.</p>
<p>(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.</p>	<p>(c) Waiver: The requirements of this <u>section</u> may be waived by the tree warden during the period of an emergency such as a tornado, windstorm, flood or other act of God.</p>
<p><u>Tree Replacement</u></p>	
	<p><u>(p) Tree replacement: The tree warden may require that replacement of a removed public tree or public shade tree in the manner required in section 20-35 of these ordinances and in any rule or regulation or the tree warden</u></p>
<p>(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 removal permit in accordance with section 20-33, shall replace such tree within one year from the date of removal and in accordance with the following standards:</p>	
<p>(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.</p>	

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<p>(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.</p>	
<p>(3) A replacement tree shall be required to survive for a minimum of one (1) year from the date it is planted. The 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.</p>	
<p>(4) A replacement tree shall be planted on the same lot from which the tree was removed or at a location determined by the tree warden in accordance with the priorities stated in the Tree Manual.</p>	
<p><u>Tree Replacement Fund</u></p>	
<p>(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.</p>	
<p>(b) Payment in lieu of planting replacement tree(s): In lieu of planting a replacement tree as provided in section 20-35, a person who has been granted a tree removal 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 20-35, which cost shall be determined by the tree warden who shall obtain written estimates from at least two (2) tree companies.</p>	<p><u>(g) Payment in lieu of planting replacement tree(s): In lieu of planting a replacement tree as provided in section (g) a person who has been granted a tree permit may make a contribution to the tree replacement fund as established in section 20-36 in an amount equal to the cost to replace the tree in accordance with the provisions of section 20-35, which cost shall be determined by the tree warden who shall maintain on file the City's current tree planting costs.</u></p>
<p>(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.</p>	
	<p><u>(r) Rules and regulations: The tree warden is authorized to promulgate reasonable rules and regulations to implement administration and enforcement of this section</u></p>

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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 or registered 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 20-36, subsection (c), 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 20-38, subsection (c).

(b) Stop work order:

(1) Upon notice from the tree warden that work on any protected tree, or 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 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 removal 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.

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<p>(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.</p>	
<p>Penalties</p>	
<p>(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).</p>	<p>1. Removal without a permit: Each instance in which a Public 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). Each day such violation continues shall constitute a separate offense.</p>
<p>(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.</p>	<p>2. 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.</p>
	<p><u>3. Damage to Public Tree or Public Shade Tree: Carving, breaking of limbs, poisoning, shaving of roots, girdling, nailing, topping or otherwise damaging, injuring or putting a Public Tree or Public Shade Tree at risk is prohibited and may be subject to a penalty of \$300.00 and/or corrective actions shall be required. Each day such violation continues shall constitute a separate offense.</u></p>
	<p><u>4. Failure to obtain a permit: Each instance in which an action requiring a permit under this ordinance is conducted without a permit shall constitute a violation of this ordinance which shall be subject to a fine in the amount of three hundred dollars (\$300). Each day such violation continues shall constitute a separate offense.</u></p>
	<p><u>5. Failure to comply with the Tree Warden Regulations: Each instance in which an action violates the Tree Warden Regulations shall constitute a violation of this ordinance which shall be subject to a fine in the amount of three hundred dollars (\$300). Each day such violation continues shall constitute a separate offense.</u></p>
<p>(c) 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.</p>	<p><u>6. Nothing herein shall be construed to require the city to make a payment for violation</u></p>
	<p>(t) Enforcement: The commissioner of parks and recreation, in his capacity as tree warden, or such other municipal official as may hereafter be assigned the duties of tree warden, shall be authorized to enforce the provisions of this section and issue written notice of the following violations:</p>

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(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.

(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.

(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.

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Introduction

I'm pleased to provide this guide to social service providers needing to interface with the Newton Housing Authority on behalf of their clients.

Due to the regulatory environment the Newton Housing Authority must work within, we hope this guide provides you with an overview that you will find helpful when advocating for your clients.

While this guide is not designed to be a comprehensive tool or to address individual situations, it should provide you with helpful information that will give you the ability to guide you and your client through the public housing application process with greater understanding.

Jonathan L. Hacker
Executive Director



Who We Are:

The Newton Housing Authority (NHA) is an independent agency organized under the laws of the Commonwealth of Massachusetts. While we maintain a cooperative working relationship within the City, we are **not** a department of the City of Newton, nor do we receive our program funding from the City. We are governed by a five member Board of Commissioners, most of whom are appointed by the Mayor. One appointee is a representative of organized labor, one appointee is a public housing resident and one appointment is made by the Governor.

We receive our funding from both the U.S. Department of Housing and Urban Development (**HUD**) and the Commonwealth of Massachusetts Department of Housing and Community Development (**DHCD**). There are occasions when we will seek grants for special projects from the City of Newton.

We currently have a staff of nineteen, seven of whom work under our maintenance division.

What We Do:

The NHA provides low-income housing for elderly and disabled clients and families under the programs we operate.

Our current portfolio encompasses 1,035 units of housing of which 441 are subsidized units under the Section 8 Voucher Program. **We presently do not have any availability of vouchers since our allotment is fully utilized. Our Section 8 Housing Choice Voucher waiting list is currently closed. Consequently, we are not able to provide applications for this program.**

Our conventional one-bedroom senior housing funded by HUD encompasses 298 units including units at the Parker House, Jackson Gardens, Horace Mann, and Norumbega Gardens developments, as well as 72 units of recently federalized state housing at the Echo Ridge and Nonantum Village developments.

In addition, we operate 216 units of state-aided housing, including 18 units of one-bedroom elderly and disabled housing, 42 one-bedroom units at the Hamilton Grove Development under the 667-Section 8 Program, 24 units at the New Hyde Development of special needs housing for families and individuals who are mobility impaired and 83 two, three and four bedroom units of family housing as well as additional scattered site units.

Applicants for our Federal and State Public Housing Programs are offered whichever unit is vacant when they reach the top of a waiting list for a specific program. Applicants cannot choose the specific location of the unit offer. Applicants who refuse unit offers may reapply if they wish.

We also have a management program. The NHA has acquired 55 units of housing using local inclusionary zoning money. This has allowed us to provide more opportunities to our clients. Resident selection for the management program units comes from existing Section 8 voucher holders through a process which considers NHA subsidy voucher holders of appropriate bedroom size who are in their housing search period first, secondly NHA subsidy voucher holders who are presently under lease, but who have indicated an interest in moving, and then eligible voucher holders who received their voucher from another housing authority or non-profit housing agency. The NHA depends upon voucher subsidies in order to support the maintenance and operation of these units.

Ability to Assist Your Client:

In order for the NHA to interact with you specifically regarding your client, you must provide us a release form signed by your client giving us permission to speak with you. We will not be able to speak with you about a specific case without written authorization. We are sure you understand why this is necessary. A sample release form is attached for your use. Please copy this form as the need arises.

Once you have obtained the signed release and have provided it to us, we will be able to communicate with the named party on the release form subject to any restrictions requested by the client.

We have the ability to help you and your client with questions about the application process. We can also be helpful in clarifying the documentation that is required with submission of your client's application(s). Each of our programs requires a separate application due to the fact that different funding sources require different formats and information. Each program has a separate waiting list.

Once the application is completed and submitted with all necessary documentation, the application is date and time stamped. Due to the large number of applications we receive, a backlog of applications may be in our inventory for processing at any time, therefore, it may take us time to evaluate and process the materials. Applications are processed in the order in which they are received. Applicants will not lose any placement time due to the processing protocol as time and date submission determines wait list sequencing.

Your client will be issued a control number that they should be instructed to keep for future reference. It is always advisable that applications sent to the NHA through the USPS be mailed certified, return receipt requested or some other form of proof of signature. Please spend the time to go over the application with your client to make certain that all the information requested has been provided. If you have any specific question about the applications, please feel free to call the office and we will be able to assist you.

From time to time your clients may ask us to provide to them their updated status on our waiting lists. We perform this function on Fridays only due to our heavy call volume. If we provide your client with a specific number on the waiting list, it is an approximation only. It is not possible for us to provide your client with a specific wait time because the preferences and priorities of our programs affect waiting list position and placement.

For example, if your client occupies a place on our State Family waiting list and an emergency application qualifies a subsequent applicant for emergency status, the emergency applicant will be placed ahead of your client and your client's "number" on the waiting list will change.

Please review the enclosed description of the documentation required with the submission of every application.

How Long Will My Client Have to Wait?

At the present time we have extensive waiting lists for our programs. It is difficult for us to provide an exact wait time; however, it is generally 2-5 years for elderly or disabled residents of Newton, 5 or more years for non-resident elderly or disabled applicants, 2-5 years for families with emergency status on our state-aided waiting lists and 10 or more years for all other families.

For state funded public housing, the population of handicapped households is limited to 13.5% of the total number of units. As we are currently at this percentage, we are only placing elderly (60 years old or over) in our State Elderly/Handicapped one-bedroom program. Therefore, applicants who are under 60 years old will have much longer wait times, including applicants under 60 years old who are approved for emergency status.

For our Federal Elderly program, an applicant is considered elderly when he or she is over the age of 62.

If your client is a **veteran resident** of the City of Newton, he or she will have a placement advantage in our Federal Elderly housing program. If your client is a veteran residing outside the City of Newton, this client will not receive veteran status.

If your clients are emergency cases and their emergency applications are approved for emergency case status, they will receive faster placement. The specific guidelines in place for the emergency state application must be completed and responded to with the specific information and language required in order to receive emergency case status. **Even with this designation the wait time can be substantial as there are other applicants with emergency status who applied before your client.**

***The NHA is unable to make placements out of sequence for any of our programs no matter how urgent you perceive the need. We are governed by state and federal guidelines.**

Emergency Case Status For State Public Housing Programs

Please pay special attention to the four priority categories and associated necessary documentation specified in the State Universal Emergency Application. All State Universal Emergency Applications must be accompanied by a State Universal Standard Application. Applicants for emergency case status must also meet the age and income requirements of our State-Aided housing programs. **In order to be found eligible for emergency case status, applicants must be homeless as defined in the application and qualify for one of the following four emergency priorities.** *The Newton Housing Authority cannot accept incomplete applications.*

Emergency Priority 1: Displaced by Natural Forces such as a fire not due to the negligence or intentional act of applicant, or member of applicant's household, or by an earthquake, flood or by a disaster declared or formally recognized under disaster relief laws.

Necessary Documentation: Proof of displacement by natural forces such as a report from the Fire Department, letter from Board of Health or other government agency documenting destruction of your resident by earthquake, flood or other disaster.

Emergency Priority 2: Displaced by Public Action such as the building of a low rent public housing project, a public slum clearance, urban renewal project or other public improvement.

Necessary Documentation: Proof of displacement by public action such as a Relocation Notice, letter from Urban Renewal or other government agency documenting public works project.

Emergency Priority 3: Displaced due to enforcement of minimum standards of fitness for human habitation established by Article 2 of the State Sanitary Code of Local Ordinances.

Necessary Documentation: Proof of displacement due to State Sanitary Code enforcement such as a copy of the complaint listing code violations, placard, notices or letter from Board of Health documenting condemnation.

Emergency Priority 4: Emergency Case Plan Categories

- A. Homeless and facing a significant, immediate and direct threat to the life or safety of the applicant or any household member for causes other than the fault of the applicant or member of the applicant household.

Necessary Documentation: Proof of no-fault loss of housing such as Summary Process Summons and Complaint, court decision and execution from the court.

- B. Severe Medical Emergency. An Applicant is suffering a severe medical emergency if the applicant household is suffering from an illness or injury posing a severe and medically documented threat to life which has been significantly caused by the lack of suitable housing or as to which the lack of suitable housing is a substantial impediment to treatment or recovery.

Necessary Documentation: Proof of medical condition such as certification by physician on Housing Authority form AND proof of unsuitable housing such as letter from landlord, visiting nurse or Board of Health documenting unsuitability of current housing, or photographs of current housing showing unsuitable features.

- C. Abusive situation. Please see State Universal Emergency Application for the definition of Abusive Situation.

Necessary Documentation: Proof of abusive situation, such as copies of medical reports, police reports, restraining orders, applications for criminal complaints, social service evaluations, etc.

State Public Housing Preferences:

Your client may also qualify for one or more of the application preferences designated by DHCD. The veteran preference for our State Elderly/Handicapped Housing Program is only for veterans who are residents of Newton. These preferences are as follows:

- A = Veteran
B = Local Resident
C = Affirmative Action

The Diverse Clients We Serve and the Difficult Actions We Must Sometimes Take

The NHA serves many elderly residents, families and residents who have disabilities that may be physical or emotional. There are instances when residents fail to meet their obligations under the terms of the program under which they are being assisted. There are times when the NHA has to begin termination of tenancy. Each client is provided with the opportunity for appropriate hearings prior to their termination. Terminations are legal proceedings that we do not take lightly. However, our concern is focused not only on the resident being terminated but on the greater good. We must safeguard the other residents residing in our property in the event that lease provisions are violated.

The Basics:

Section 8 Voucher Program:

The Section 8 Voucher Program is a federally subsidized voucher program that assists clients with their rent. Once clients receive a Section 8 Housing Choice Voucher, they can rent a unit from a private landlord. Tenants pay a percentage of their income as rent and the issuing housing authority pays the rest of the contract rent on behalf of the tenant. When a section 8 voucher holder locates a suitable apartment the tenant completes a request for tenancy form and submits the form to the issuing housing authority.

The amount of money that the NHA expends in rent payments on behalf of our Section 8 clients to private landlords exceeds 6 million dollars annually.

We presently do not have any availability of vouchers since our allotment is fully utilized.

Landlord/Tenant Issues in the Section 8 Voucher Program:

Occasionally, Section 8 voucher holders have difficulties dealing with their landlords. The Newton Housing Authority's involvement is generally limited in these cases as our Section 8 voucher holders sign a lease directly with the landlord. The landlord then has a contract for subsidy with the NHA. It is the responsibility of the landlord and the tenant to adhere to their respective obligations identified in their lease.

Centralized Section 8 Waiting List:

The NHA currently plans to join the centralized Section 8 waiting list once our current list created by lottery in 2002 is exhausted. The Centralized Section 8 Waiting List is administered by Massachusetts NAHRO and around 80 housing authorities participate. Once an applicant applies to any one of the participating housing authorities, the applicant is on the centralized list for all participating housing authorities. When the NHA joins the Centralized Section 8 Waiting List, we will advertise in local papers and with local service agencies. This does not mean there is an increased availability of vouchers. Once a participant in the Centralized Waiting List, the NHA will continue to administer 441 vouchers and the rate of new voucher issuance will remain the same.

In the event that the NHA elects to participate in the Centralized Waiting List, we will continue to maintain separate waiting lists for the Independent Group Residence, Project-Based Single Room Occupancy Program at the YMCA and the Set-Aside for Victims of Domestic Violence Program.

Applicants interested in applying for the Centralized Section 8 waiting list can contact any of the participating housing authorities to request an application. Please see the attached information packet for more information.

Capital Improvement Projects:

We are constantly performing capital improvements to our federal and state properties and have spent millions of dollars over the past years providing quality of life enhancements to our residents. We are always concerned about our disabled and frail clients and will do our best to provide reasonable accommodation when needed. Your client may be asked to provide a letter of medical necessity from a physician based upon the scope of the accommodation required.

Congregate Housing:

Congregate units are located in our Nonantum Village Development. Congregate living is for residents who are able to live independently with supportive services that are provided by Springwell. Applicants who are interested in this type of housing option should meet with the Congregate Coordinator at Springwell. The Congregate Coordinator will meet with the applicant and offer a tour of the facility. The Congregate Coordinator performs an extensive background check on the interested individual to make certain that placement in congregating housing is appropriate. Findings are presented to a MAT Team (Multi-Disciplinary Assessment Team). The MAT Team has the final decision as to whether the individual will be placed in congregating housing.

Emergency Housing:

Emergency housing is a new component to our programming that came as a result of two acquisitions we made on Wyman Street in Waban. We have assisted victims of Hurricane Katrina, victims of fires and homeless families in the two emergency units we have at Wyman Street. **You are welcome to call us for availability; however, it is expected that emergency opportunities will be rare as these units seem to be continuously occupied.**

With this guide, the Newton Housing Authority has attempted to provide you with helpful information for use when working with clients regarding programs run by the NHA. Due to the complicated nature of public housing programs, this guide is not intended to be all-inclusive. The regulations prescribed by our partners at HUD and the Commonwealth of Massachusetts are subject to change, as is this guide. Therefore, although we attempted to make this guide as accurate as possible, we are not responsible for any errors or omissions.

Newton Housing Authority Developments:

Federal Sponsored Developments through the U.S. Department of Housing and Urban Development (HUD):

Parker House
21 Parker St. Newton Centre, MA (33 Units)

Jackson Gardens
John F. Kennedy Circle and Green St. Newton, MA (64 Units)

Horace Mann
Walker St., Watertown St., and Brookside Ave.
Newtonville, MA 02460 (72 Units)

Norumbega Gardens
Ash St. and Auburn St. Auburndale, MA (57 Units)

Echo Ridge
Thurston Rd. Newton Upper Falls, MA (40 Units)

Nonantum Village
239 Watertown St. Nonantum, MA (26 Units plus 10 Congregate Units)

State Sponsored Developments through the Commonwealth of Massachusetts Department of Housing and Community Development (DHCD):

New Hyde Apartments
82 Lincoln St. Newton Highlands, MA (24 Units for families and individuals with mobility impairment)

Centenary Village
234 Central St. Auburndale, MA (12 Units)

Beaconwood Apartments
Wilson and Hargrave Circle, Newton Highlands, MA (20 Units)

Hamilton Grove Complex:

541 Grove St. Newton Lower Falls, MA (42 Units)

Additionally, the NHA has a number of scattered site units that we own and manage. These units provide additional senior and family housing.

Other Resources:

Newton Community Development Foundation (NCDF):

617-244-4035

<http://www.ncdf.com/>

Private, non-profit affordable housing developer and manager.

Citizens for Affordable Housing in Newton Development Organization, Inc. (Can-DO)

617-964-3527

<http://www.newtoncando.org/index.html>

Non-profit developer of affordable housing in the City of Newton.

Jewish Community Housing for the Elderly (JCHE):

617-912-8400

<http://www.jche.org/home.shtml>

Manager of affordable housing for seniors in the Greater Boston area

Metropolitan Boston Housing Partnership (MBHP):

617-425-6700

www.mbhp.org

Housing Consumer Education Center

Resources and information for tenants

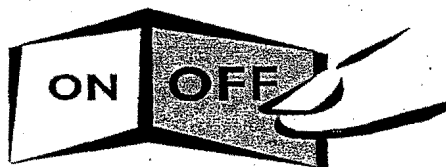
Contact us

Administrative office:

Newton Housing Authority
82 Lincoln Street
Newton Highlands, MA 02461

Telephone: 617.552.5501
Facsimile: 617.964.8387
TDD: 617.332.3802

Office Hours



9:00 AM to 5:00 PM
Monday through Friday

NHA informational website
www.newtonhousingauthority.org

- Programs
- Resident Services
- Landlord information

Massachusetts

Section 8 Housing Choice Voucher Centralized Waiting List



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**Questions?
Call toll-free at
1-877-868-0040**

MEMBERS ONLY
[Member Login](#)

Section 8 Housing Choice Voucher Centralized Waiting List

The **Section 8 housing choice voucher program** is the federal government's major program for assisting very low-income families, the elderly, and the disabled to afford decent, safe, and sanitary housing in the private market.

The Massachusetts Section 8 Housing Choice Voucher Program Centralized Waiting List opened on January 6, 2003 in accordance with provisions contained in the United States Housing Act of 1937, as amended.

Eighty-one (81) Massachusetts housing authorities utilize this one computerized list; all applicant information entered onto this list can be accessed and updated by any and all participating housing authorities. Waiting list information is secure and accessed only by authorized housing authority staff with special login codes.

The Massachusetts Centralized Section 8 Waiting List will remain open indefinitely.

The Waiting List is updated every two (2) years. For more info, go to Waiting List Update.

Participating Housing Authorities are accepting applications for the Centralized Waiting List at each location. Applicants need apply to only one of the participating housing authorities. (See How to Apply for preliminary application.)

The housing authorities have not been issued any additional Section 8 Housing Choice Vouchers; vouchers will be issued based on turnover. For more information on the housing choice voucher program, visit the U.S. Department of HUD's web site.

Questions? Call toll-free at 1-877-868-0040.

Massachusetts

Section 8 Housing Choice Voucher Centralized Waiting List



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Call toll-free at
1-877-868-0040

MEMBERS ONLY
[Member Login](#)

Section 8 Housing Choice Voucher How to Apply to the Centralized Waiting List

Complete Preliminary Application

Contact a participating housing authority to have an application mailed to you.

OR

Download* and print a Preliminary Application by clicking here . Read the preliminary application carefully and complete it fully.

* Click here to download a free copy of Adobe Acrobat Reader to view these documents if not already installed on your computer.

- **Check ALL Preferences that Apply**

Please read attached "Definitions of Preferences" to determine which apply to you, and check all that apply.

NOTE: Participating housing authorities may or may not use some or all of the preferences listed above. These definitions are minimum qualifications; housing authorities may have more specific criteria within a particular preference. Some participating housing authorities use no preferences and select by date & time only.

- **Return Completed Application to a Participating Agency**

Applications must be completed fully, signed and dated. Applicant needs to COMPLETE ONLY ONE PRELIMINARY APPLICATION and return it to ONE PARTICIPATING HOUSING AUTHORITY. By completing the one application, the applicant is included on the Centralized Waiting List and considered by ALL participating housing authorities.

Completed applications may be delivered in person or mailed to any participating housing authority. Copies, facsimiles or emails of completed applications will not be accepted. No documentation is needed at time of application. Applications will be accepted without regard to race, color, creed, religion, sex, national origin, familial status or disability.

If you have a disability and require an accommodation, please call any participating Housing Authority.

Reminder: Only ONE application per family will be accepted. There is no need to go to more than one participating agency to submit an application.

NOTE : Participating housing authorities may have additional housing assistance programs available. Please contact them directly to request information and applications for any additional housing assistance.

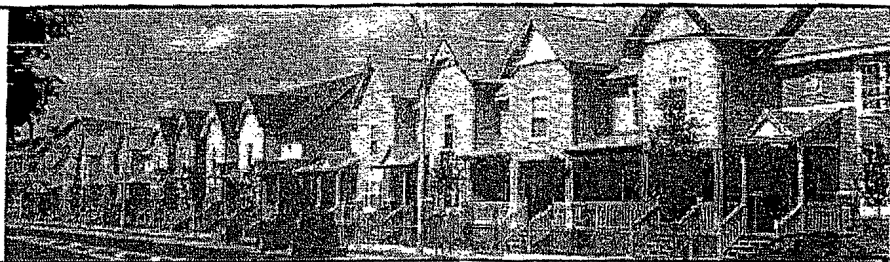
[Download Preliminary Application \(using Adobe Acrobat\)](#)
[Download Definitions of Preferences \(using Adobe Acrobat\)](#)

Massachusetts

Section 8

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Centralized Waiting List



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Questions?
Call toll-free at
1-877-868-0040

MEMBERS ONLY
Member Login

Section 8 Housing Choice Voucher Participating Housing Authorities

Abington Housing Authority
71 Shaw Ave., Abington, MA 02351 781-878-3469

Acton Housing Authority
68 Windsor Ave., PO Box 681, Acton, MA 01720 978-263-5339

Amesbury Housing Authority
180 Main St., Amesbury, MA 01913 978-388-2022

Amherst Housing Authority
33 Kellogg Ave., Amherst, MA 01002 413-256-0206

Andover Housing Authority
100 Morton St., Andover, MA 01810 978-475-2365

Arlington Housing Authority
4 Winslow St., Arlington, MA 02474 781-646-3400

Belmont Housing Authority
59 Pearson Rd., Belmont, MA 02478 617-484-7678

Beverly Housing Authority
137 Rear Bridge Street, Beverly, MA 01915 978-922-3100

Bourne Housing Authority
871 Shore Rd., Pocasset, MA 02559 508-563-7485

Braintree Housing Authority
25 Roosevelt St., Braintree, MA 02184 781-848-1484

Bridgewater Housing Authority
10 Heritage Road, PO Box 306, Bridgewater, MA 02324 508-697-7405

Brookline Housing Authority
90 Longwood Ave., Brookline, MA 02446 617-277-1885

Burlington Housing Authority
15 Birchcrest St., Burlington, MA 01803 781-272-7766

Chelmsford Housing Authority
10 Wilson St., Chelmsford, MA 01824 978-256-7425

Chelsea Housing Authority
54 Locke St., Chelsea, MA 02150 617-884-5617

Chicopee Housing Authority
128 Meetinghouse Rd., Chicopee, MA 01013 413-592-6132

Concord Housing Authority
115 Stow St., Concord, MA 01742 978-369-8435

Danvers Housing Authority
14 Stone Street, Danvers, MA 01923 978-777-7926

Dedham Housing Authority
163 Dedham Blvd., PO Box 4067, Dedham, MA 02026 781-328-3543

Dennis Housing Authority
167 Center St., So. Dennis, MA 02660 508-394-3120

Duxbury Housing Authority
59 Chestnut St., Duxbury, MA 02332 781-934-6618

Everett Housing Authority
393 Ferry St., Everett, MA 02149 617-387-6389

Fall River Housing Authority
180 Morgan St., Fall River, MA 02722 508-675-3595

Fitchburg Housing Authority
50 Day St., Fitchburg, MA 01420 978-345-1963

Gardner Housing Authority
116 Church St., Gardner, MA 01440 978-632-6634

Gloucester Housing Authority
P.O. Box 1599, Gloucester, MA 01931-1599 978-281-4770

Greenfield Housing Authority
One Elm Ter., Greenfield, MA 01301 413-774-2932

Haverhill Housing Authority
25-C Washington Square, Haverhill, MA 01831-2451 978-372-6761

Holbrook Housing Authority
One Holbrook Court, Holbrook, MA 02343 781-767-0024

Holyoke Housing Authority
475 Maple St., Holyoke, MA 01040 413-539-2220

Hudson Housing Authority
8 Brigham Cir., Hudson, MA 01749 978-562-9268

Ipswich Housing Authority
One Agawam Village, Ipswich, MA 01938 978-356-2860

Lawrence Housing Authority
353 Elm Street, Lawrence, MA 01842 978-685-3811

Leominster Housing Authority
100 Main St., Leominster, MA 01453 978-537-5300

Lexington Housing Authority
One Countryside Village, Lexington, MA 02420 781-861-0900

Malden Housing Authority
89 Pearl St., Malden, MA 02148 781-322-9460

Marlborough CDA - Housing Division
 240 Main Street, Marlborough, MA 01752 508-624-6908
 Medford Housing Authority
 121 Riverside Ave., Medford, MA 02155 781-396-7200
 Melrose Housing Authority
 910 Main St., Melrose, MA 02176 781-665-1622
 Methuen Housing Authority
 24 Mystic St., Methuen, MA 01844 978-682-8607
 Middleboro Housing Authority
 8 Benton St., PO Box 502, Middleboro, MA 02346 508-947-3824
 Millis Housing Authority
 c/o Dedham H.A., P.O. Box 4067, Dedham, MA 02026 781-326-3543
 Milton Housing Authority
 65 Miller Ave., Milton, MA 02186 617-698-2169
 Natick Housing Authority
 4 Cottage St., Natick, MA 01760 508-653-2971
 Needham Housing Authority
 c/o Dedham H.A., PO Box 4067, Dedham, MA 02026 781-326-3543
 Newburyport Housing Authority
 25 Temple St., Newburyport, MA 01950 978-465-7216
 North Andover Housing Authority
 One Moreski Meadows, No. Andover, MA 01845 978-682-3932
 North Attleboro Housing Authority
 PO Box 668, North Attleboro, MA 02761 508-695-5142
 North Reading Housing Authority
 Peabody Ct., No. Reading, MA 01864 978-664-2982
 Norwood Housing Authority
 40 William Shyne Cir., Norwood, MA 02062 781-762-8115
 Oxford Housing Authority
 23 Wheelock St., Oxford, MA 01540 508-987-5055
 Peabody Housing Authority
 75 Central St., Ste. 2, Peabody, MA 978-531-1938
 Plymouth Housing Authority
 69 Allerton St., PO Box 3537, Plymouth, MA 02361 508-746-2105
 Quincy Housing Authority
 80 Clay Street, Quincy, MA 02170 617-847-4350
 Reading Housing Authority
 22 Frank Tanner Dr., Reading, MA 01867 781-944-6755
 Revere Housing Authority
 82-B4 Coolidge St., Revere, MA 02151 781-284-1700
 Salem Housing Authority
 27 Charter St., Salem, MA 01970 978-744-4431
 Salisbury Housing Authority
 23 Beach Road, Salisbury, MA 01952 978-462-8600
 Shrewsbury Housing Authority
 36 No. Quinsigamond Avenue., Shrewsbury, MA 01545 508-757-0323
 Somerville Housing Authority
 30 Memorial Road, Somerville, MA 02145 617-625-1152
 Southbridge Housing Authority
 60 Charlton St., Southbridge, MA 01550 508-765-5858
 Springfield Housing Authority
 PO Box 1609, Springfield, MA 01101 413-785-4517
 Stockbridge Housing Authority
 PO Box 419, 5 Pine St., Stockbridge, MA 01262-0419 413-298-3222
 Taunton Housing Authority
 30 Iney St., Taunton, MA 02780 508-823-6308
 Tewksbury Housing Authority
 Saunders Circle, Tewksbury, MA 01876 978-851-7392
 Wakefield Housing Authority
 26 Crescent St., Wakefield, MA 01880 781-245-7328
 Walpole Housing Authority
 8 Diamond Pond Ter., Walpole, MA 02081 508-668-7878
 Waltham Housing Authority
 110 Pond St., Waltham, MA 02451 781-894-3357
 Ware Housing Authority
 20 Valley View, Ware, MA 01082 413-967-4477
 Warren Housing Authority
 P.O. Box 3021, Warren, MA 01083 413-436-7184
 Watertown Housing Authority
 55 Waverly Avenue, Watertown, MA 02472 617-923-3950
 Wayland Housing Authority
 106 Main St., Wayland, MA 01778 508-655-6310
 Wellesley Housing Authority
 c/o Dedham H.A., PO Box 4067, Dedham, MA 02026 781-326-3543
 Westfield Housing Authority
 12 Alice Burke Way, PO Box 99, Westfield, MA 01086 413-566-9283
 West Springfield Housing Authority
 37 Oxford Pl., West Springfield, MA 01089 413-788-0988
 Weymouth Housing Authority
 402 Essex St., Weymouth, MA 02188 781-331-2323
 Winchendon Housing Authority
 108 Ipswich Dr., Winchendon, MA 01475 978-297-2280
 Winchester Housing Authority
 13 Westley St., Winchester, MA 01890 781-721-5718
 Woburn Housing Authority
 59 Campbell St., Woburn, MA 01801 781-935-0818
 Worcester Housing Authority
 40 Belmont St., Worcester, MA 01605 508-635-3148

* Additional housing authorities may join at a later time and will advertise individually in their local areas.

Watch your local newspapers.

**Newton Housing Authority
82 Lincoln Street
Newton Highlands, MA 02461**

**ACCEPTABLE TYPES OF VERIFICATION OF INCOME, ASSETS
AND FAMILY. PLEASE SUPPLY THE VERIFICATION WHICH
ONLY APPLIES TO YOUR SITUATION*******

- | | |
|--|---|
| <p>_____ Four (4) recent consecutive
***** pay stubs for working people</p> <p>_____ A current letter from the Social
***** Security office verifying your
your SSA or SSI. Such letters are
usually called "Report of Social
Security Benefits"</p> <p>_____ An up-to-date letter from welfare statement
***** showing amount your receive
(NOT A COPY OF A CHECK)</p> <p>_____ Copy of lease or rent receipt
*****</p> <p>_____ For children 18 years of age or
older, proof of student status</p> <p>_____ Copy of court order covering
alimony or child support payments</p> <p>_____ Copy of Social Security card</p> <p>_____ Copy of Alien Card
*****</p> <p>_____ Last three (3) months of
checking account statements</p> | <p>_____ Copy of stub of pension
check annuity check, etc.</p> <p>_____ Credit union statement</p> <p>_____ Copy of saving bank
statement for the past
three (3) months</p> <p>_____ Copy of IRA or Keough</p> <p>_____ Copy of birth certificate
for all family members</p> <p>_____ Copy of unemployment</p> <p>_____ Copy of letter from social
***** services agency assisting
with your support such as
Jewish Family Services</p> <p>_____ Statement from family
***** members assisting with your
your support</p> |
|--|---|

In certain cases, it may be necessary that we request additional verification. Photocopies will be made free of charge if the above documentation is brought into the office.

**PLEASE NOTE: AN APPLICATION WILL BE RETURNED TO YOU IF NOT COMPLETELY
FILLED OUT, SIGNED OR ACCOMPANIED BY PROOF OF INCOME AND ASSETS.**

Failure to disclose all income, assets and family composition may disqualify you for the program.

If you have any questions regarding the completion of this application, please call 617-552-5501 and we will attempt to assist you. Your cooperation in providing all verification will enable us to process your application more quickly.

RELEASE AND AUTHORIZATION

I, _____, of _____
(Name) (Street) (City) (State) (Zip code)
hereby authorize

Name _____

Address _____

Agency _____

to discuss any and all matters with the Newton Housing Authority, its agents, servants or employees which they may wish to discuss with me regarding any matters which the Newton Housing Authority may feel are related to my housing or my application for housing. I further authorize the aforesaid to provide the Newton Housing Authority, its agents, servants or employees with copies of any and all documents which refer to me which may be requested by the Newton Housing Authority through its representatives.

I hereby waive any and all claims, confidentiality and request that the above named cooperate with the Newton Housing Authority to provide the information requested.

Signature of Tenant/Applicant _____ Date _____

Signature of Witness _____ Date _____

RELEASE AND AUTHORIZATION

I, _____, of _____
(Name) (Street) (City) (State) (Zip code)
hereby authorize

Name _____

Address _____

Agency _____

to discuss any and all matters with the Newton Housing Authority, its agents, servants or employees which they may wish to discuss with me regarding any matters which the Newton Housing Authority may feel are related to my housing or my application for housing. I further authorize the aforesaid to provide the Newton Housing Authority, its agents, servants or employees with copies of any and all documents which refer to me which may be requested by the Newton Housing Authority through its representatives.

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Signature of Tenant/Applicant _____ Date _____

Signature of Witness _____ Date _____