



Programs & Services Committee Agenda

City of Newton In City Council

Wednesday, January 4, 2023

7:00 PM

The Programs & Services Committee will hold this meeting as a Zoom Meeting on Wednesday, January 4, 2023 at 7pm. To view this meeting using Zoom use this link: <https://us02web.zoom.us/j/86857390806> or call 1-646-558-8656 and use the Meeting ID: 868 5739 0806.

Items Scheduled for Discussion:

- #513-22 Appointment of Spencer Solcoff to the Youth Commission**
HER HONOR THE MAYOR appointing Spencer Solcoff of Newton South High School as a member of the Youth Commission for a term of office to expire on December 5, 2025. (60 Days: 01/20/2023)
- #514-22 Appointment of Shivani Gulati to the Youth Commission**
HER HONOR THE MAYOR appointing Shivani Gulati of Nobel and Greenough School, Dedham as a member of the Youth Commission for a term of office to expire on December 5, 2025. (60 Days: 01/20/2023)
- #515-22 Appointment of Lily Siegelman to the Youth Commission**
HER HONOR THE MAYOR appointing Lily Siegelman of Newton North High School as a member of the Youth Commission for a term of office to expire on December 5, 2025. (60 Days: 01/20/2023)
- #516-22 Appointment of Audrey Wei to the Youth Commission**
HER HONOR THE MAYOR appointing Audrey Wei of Newton South High School as a member of the Youth Commission for a term of office to expire on December 5, 2025. (60 Days: 01/20/2023)

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

- #566-22 Appointment of Mignonne Murray as Director of Senior Services**
HER HONOR THE MAYOR appointing MIGNONNE MURRAY as DIRECTOR OF SENIOR SERVICES pursuant to Sec 3-3 of the City Charter. (30 Days: 1/18/23)

Chair's Note: Additional back-up for item #565-22 can be found at the following link:
<https://www.countrysideelementaryschoolproject.com/>

- #565-22 Request for discussion on Countryside Elementary School**
HER HONOR THE MAYOR on behalf of the Commissioner of Public Buildings requests a discussion to provide an update on the Countryside Elementary School Building Project.

Referred to Programs & Services and Finance Committees

- #17-23 Appropriation of \$3,240,000 for Newton South High School Fields and Track**
HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of three million, two hundred forty thousand (\$3,240,000) in FY2022 Free Cash for synthetic turf carpet and infill materials, installation, and construction oversight to replace the two (2) synthetic turf fields at Newton South High School and to resurface the perimeter track at the school's Winkler Stadium.

Referred to Programs & Services and Finance Committees

- #411-22 Request for Amendment to Chapter 21, Art III Trees to extend tree protection and update permits**
COUNCILORS MALAKIE, NORTON, LEARY, RYAN, WRIGHT, LUCAS, HUMPHREY, BOWMAN, MARKIEWICZ, OLIVER, DOWNS, LAREDO, AND GROSSMAN requesting revisions and amendments to Chapter 21, Art. III Trees (sec. 21-60 through 21-89) to extend tree protection to all trees 6 inches DBH (diameter at breast height) and greater within the City (with no exempt lots); to update tree removal permits, fees, and compensation; and to strengthen protection for existing and replacement trees.

Programs & Services Held 8-0 on 12/7/22

Referred to Programs & Services and Finance Committees

- #412-22 Request for Review and Amendments to Chapter 21, Art. III, Division 3**
HER HONOR THE MAYOR requesting review and amendments to Chapter 21, Art. III, Division 3, Tree Preservation to increase replacement requirements for larger trees, add protections for smaller trees, limit removal of trees without replacement, enhance procedures for protecting trees, increasing payment required for trees cut without replacement, protect trees on lots adjacent to construction, provide Tree Warden with additional professional input on trees on private properties.

Programs & Services Held 8-0 on 12/7/22

Respectfully Submitted,

Josh Krintzman, Chair



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Office of the Mayor

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#513-22

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CITY CLERK
NEWTON, MA. 02459

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

To the Honorable City Councilors:

I am pleased to appoint Spencer Solcoff of Newton South High School, as a member of the Youth Commission. His term of office shall expire on December 5, 2025 and his appointment is subject to your confirmation.

Thank you for your attention to this matter.

Warmly,

Ruthanne Fuller
Mayor

Spencer R. Solcoff
City of Newton Youth Commission
Commissioner Application

I, Spencer Solcoff, would like to further my involvement in the City of Newton, Youth Commission by taking on the role of commissioner. Ever since my first meeting with the Youth Commission 2 years ago, I have felt like a part of something bigger than any single individual with decision-making power in my community. The idea that I could meet people within 4 years of my age and discuss what's causing distress in the city of Newton and even work towards a solution was simply fascinating. I was eager to help out in any way possible, simply to make the lives of others more simple and less stressful.

As time went by and 2 years worth of bettering my community were completed, I took a deeper look into what I was able to accomplish by myself with the commission's platform and influence. Once I asked myself this question, I realized that I was working toward issues that I didn't even know existed, nor saw the importance of working on. I noticed that my peers and I were solving issues that did not deprive anyone of financial stability, standard necessities, or safety. If I was appointed for this position, I would make it my top priority to ensure that job safety is considered in all local voting acts that may concern employment. Secondly, I would like to devote more effort to raising awareness about racism and antisemitism, due to the fact that these are both prevalent issues in my public school system that aren't spoken about as much as they need to be. One way I would go about contributing to the solution of racial inequality and antisemitism is by making sure that more is done to investigate incidents involving hate speech.

Out of all of the other intelligent, passionate, and similarly qualified candidates applying for this position, I feel that I am the most qualified applicant for this position because when I get involved in an issue relating to me, people I care about, or my community, I am willing to make relentless efforts to achieve my goals. The way I would lead members of the Advisory Board is by determining what roles people would work the most effectively, and then providing a plan and guidance that contain reasonable and achievable goals for different groups. In the fall of 2021, I was told that I was not able to start a club at Newton South high school because it was 3 months past the deadline to hand in the paperwork. 453 emails later, I became the acting president and founder of the Newton South Entrepreneurship club.

In addition to the attributes I have that will benefit the Youth Commission and the City of Newton, I feel that my network contains many people with very important opinions on local issues, as well as very good resources worth utilizing. Leading is something that I take pride and honor in being elected to do, and with the youth commissions platform, I feel that there is no limit on how we can better the City of Newton.

Thank you for your consideration,
Spencer R. Solcoff

[REDACTED]



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Office of the Mayor

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CITY CLERK
NEWTON, MA. 02459

November 14, 2022

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

To the Honorable City Councilors:

I am pleased to appoint Shivani Gulati of Noble and Greenough School, Dedham as a member of the Youth Commission. Her term of office shall expire on December 5, 2025 and her appointment is subject to your confirmation.

Thank you for your attention to this matter.

Warmly,

Ruthanne Fuller
Mayor

My time as an advisor on the Newton Youth Commission has inspired me to apply to be a Commissioner. Seeing first-hand how the commission can create concrete initiatives that support the life of youth in Newton has been really impactful. Given the opportunity, I hope to create and foster meaningful initiatives, especially in the areas of mental health and well-being. I would be honored to be involved in shaping the policies and in implementing the changes that address the needs of youth in Newton.

Helping others has always been a cornerstone of who I am. Through a range of activities at school and outside school I have strived to have a positive impact on others around me. When I was 8, I began volunteering to help foster care kids, and have always found a lot of meaning and fulfillment in that work. Volunteering, especially at that age, was a really meaningful experience because I was helping kids who were my age but in a tougher situation. As I have gotten older my work with foster care kids has continued and my passion to help them has deepened. I have been volunteering with Wonderfund—an organization that supports foster care kids—and been running backpack and toiletry drives, helping renovate DCF offices, and supporting events for foster care children. I am also heading a literacy project that aims to support and help kids with their reading skills and provide them some comfort.

I also have become very passionate about the issue of mental health and wellness. I think it has become a more prevalent problem in teens everywhere, especially in foster care kids. As I saw the growing issue of mental health in those around me and in my volunteer work, I decided I wanted to make a positive impact. I am now actively involved in several efforts to help address these challenges. I am on the core leadership team of Nobles Heads Together—which is a wellness initiative at my school, Noble and Greenough, to bring wellness and stress-management tools into my school community. This summer I also volunteered at the Beth Israel hospital on a clinical research trial that looked at the role of wellness practices on various medical outcomes.

I believe that one of the biggest challenges for youth currently is rising stress levels that are adversely impacting mental health and wellness of youth. The last Newton Youth Risk Behavior Survey in 2018-2019 showed that almost 80% of high school students experienced high levels of stress. The stress was strongly connected to school and social issues. My hope would be to use my position on the Newton Youth Commission to support the people in my community.

I feel an important part in reducing stress is through awareness and education of tools that support well-being. I believe that making tools to support mental health easily accessible could make an impact. As well, spreading awareness about mental health to help kids realize that they are not alone in feeling this way, could be meaningful. I would strive to create both online and offline resources and events for Newton kids. I think bringing in a speaker, hosting events, or creating forums could raise awareness and encourage meaningful discussion on the topic of mental health.

I would love to see what I can do to bring about change in Newton that supports the youth of Newton, especially in terms of health and well-being. I am deeply committed to helping my peers and if given the opportunity, I would try to have an impact through supporting initiatives of the Commission. I believe that youth like myself must play an active role in supporting our local government in order to most efficiently tackle challenges within the community. The only way for youth to have a voice in our government is to find ways to get involved so our voice is heard. I am hopeful that this leadership role will allow me to make such a difference.



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Office of the Mayor

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CITY CLERK
NEWTON, MA. 02459

November 14, 2022

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

To the Honorable City Councilors:

I am pleased to appoint Lily Siegelman of Newton North High School as a member of the Youth Commission. Her term of office shall expire on December 5, 2025 and her appointment is subject to your confirmation.

Thank you for your attention to this matter.

Warmly,

Ruthanne Fuller
Mayor

Youth Commission personal statement

For the past three years, I have really enjoyed my time on the Youth Commission advisory board, and this year I would like to become a commissioner. My name is Lily Siegelman and I am a senior at Newton North. As a commissioner, I will be able to bring good leadership and collaborative skills to the group, and be able to execute on projects. As an experienced advisory board member, I understand how the commission works and how we can work together. Throughout COVID, I was on the Mental Health subcommittee and participated in creating our Instagram posts, which I would love to continue. I am also the founder and president of the Newton North Women in STEM club. I lead the club to connect with guest speakers, effectively execute projects, and organize events, while collaborating with group members. I am also the Newton North Varsity Indoor and Outdoor Track and Field Captain. As a captain, my role is to encourage a supportive environment for the team to work together to achieve our goals, which I can bring to the commission as well!

My inspiration for joining Youth Commission was my desire to contribute to our community and make sure the youth voice is heard. In 8th grade, I worked on a project for my history and civics class to incorporate more affordable housing in Newton. I lobbied three city councilors and I worked hard to have real discussions with them. Although we didn't complete the project, the opportunity to engage was very helpful. I really found a love for participating in local government and connecting with and discussing with city councilors. From this experience, I learned I could contribute to my community and how it is possible for my voice and youth voice to be heard.

If selected as a commissioner, one project I want to focus on this year is vaping. There are two issues with vaping: the effect on the individual and the effect on the community. After COVID, many students that I know have had issues with mental health and as a result started vaping. The long-term physical effects of vaping are still not well known or understood by youth. As a commissioner, I would like to help Newton create effective educational strategies and provide resources for students specifically using social media. The second problematic aspect of vaping is its effect on the community. Last spring, there were about 8 fire alarms at Newton North and so far, this year, there have been 2. Many of these alarms were due to vaping in the school bathrooms. With every fire alarm, multiple fire trucks must come to the school, students must leave the building and class is disrupted. For students with disabilities, it is difficult to quickly move in and out of the building, and some students symptoms can be triggered by the noise and confusion of the evacuation. One fire alarm occurred during my first ever AP test! Vape-specific smoke detectors exist, and we could investigate the benefits of these detectors and if appropriate advocate for their installation them in our schools to prevent the difficulties of evacuating, use of resources and waste of time.

With my experience as an advisory board member, I hope to be confirmed as a commissioner and will contribute actively to the mission of the Youth Commission.



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Office of the Mayor

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CITY CLERK
NEWTON, MA, 02459

November 14, 2022

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

To the Honorable City Councilors:

I am pleased to appoint Audrey Wei of Newton South High School, as a member of the Youth Commission. Her term of office shall expire on December 5, 2025 and her appointment is subject to your confirmation.

Thank you for your attention to this matter.

Warmly,

Ruthanne Fuller
Mayor

Statement of Purpose

Audrey Wei

I would be grateful for the opportunity to serve as a Commissioner on the Newton Youth Commission, as I want to collaborate with like-minded youth to instigate positive change in Newton and beyond. Having lived my entire life in Newton, I am well equipped to understand, communicate, and act upon the needs of my local community. I would be honored to represent the teens whose voices far too often go unheard, those who've been told their age is a limitation upon their influence on society, when that could not be further from the truth. The importance of youth-led initiatives like the Youth Commission cannot be understated, as it is the younger generation that will inherit the world we live in today, so their interests and voices must be taken into account to make for a more sustainable, equitable, and humane future.

Furthermore, I am passionate about tackling matters like climate change, inequality, and mental health, the very matters that impact the present and future of youth worldwide. I hope to create more sustainable practices and programs in Newton, such as recycling and composting initiatives. I aspire to alleviate the injustices experienced by marginalized groups through advocating for more equitable programs (e.g. education) that have the needs of minorities in mind. I hope to lead events and panels surrounding mental health, to destigmatize the topic, work to reduce the countless stressors placed upon high schoolers, and advocate for a healthier culture surrounding the mental wellbeing of adolescents. I desire to contribute to solutions to these problems and more.

Growing up, I have always loved getting involved in community work, ever since taking my first steps into Cradles to Crayons in elementary school to help sort toy donations to send to children like me. I have also petitioned to improve our school's math curriculum and worked on a project advocating for affordable housing in Newton through Generation Citizen. I love to interact, help, and share knowledge with others, so I am also involved in teaching, including offering free tutoring for the SAT at Schoolhouse.world and mentoring young kids during the lockdown. In addition, I am involved with sustainability initiatives—I have received prototyping grant funding for my software sustainability solutions for renewable energy in underserved communities, and conversed with my peers on my school's Sustainability Team to work towards implementing anti-idling, recycling, and composting programs.

My experience with community work and passion for resolving the issues in my community led me to want to find a way to make a greater and more unified impact. However, I didn't know the first place to start. This is what inspired me to join the Newton Youth Commission, where I could not only voice my opinions on the subjects impacting youth, but also connect with other youth who were equally as passionate as I was. This past year, I served on the Advisory Board of the Commission where I learned

more civic engagement, government, and advocacy through witnessing the meaningful work of our group, hearing the insights of guest speakers during meetings, and co-leading a Mindfulness event at Newton South. This positive experience reaffirmed my interest in being part of the youth movement to tackle problems experienced by youth, and my wish to play a larger role in my work on the Commission.

Other than my community engagement experience, I hold other skills and experiences that would be valuable to my role as Commissioner. I have extensive analytical and problem-solving abilities fostered by my passion in STEM (e.g. AP coursework in calculus, statistics, physics, chemistry, biology, environmental science and more; 3 undergraduate math courses after calculus; math and computer science competitions) that carry over to tackling any issues in my community. Using such expertise, I believe I can provide untapped perspective and strategies through delving into the intersection of STEM and civic engagement, using my insights to propose novel solutions.

As a violinist of 10 years, my youth orchestral experience has provided me a sense of not only how to work well with others, but how to work in a way to benefit the larger group. Music is all about listening—to hear what others are playing and adapt your own playing to optimize the sound of the entire orchestra as a whole. Consequently, I am observant to take into the needs of the larger community and see the big picture of situations.

I also have leadership experience, as I've led multiple clubs for multiple years at Newton South, serving as the captain of the Math Team and president of the computer science club. Through these clubs, I have developed the key organizational and communication skills that are critical to community work and initiatives.

Through continuing my work at Newton Youth Commission, I wish to better understand the concerns of my local community and work with others to effectively resolve them. I would be thrilled to work as a Commissioner to elevate the lives, happiness, and well-being of Newton youth, one step at a time.



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Office of the Mayor

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December 12, 2022

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

Honorable City Councilors:

I respectfully submit this docket item to this Honorable Council requesting the appointment of Mignonne Murray as Director of Senior Services.

Mignonne is an extremely well qualified professional with experience in social & recreational services and facilities for older residents. She comes to Newton from Weston where she has been the Executive Director of the Council on Aging/Senior Services for the past six years. Prior to that, she worked in Auburn as the Executive Director of the Senior Center & Elder Affairs Division, and in Natick as the Assistant Director & Program Director for the Council on Aging and Human Services Department. (In Natick, she coordinated the move of the Senior Center to a temporary location while the town built its new Community-Senior Center; she then coordinated the move into the new facility and helped develop the policies, procedures and operations at the new site.)


Her experience will be invaluable as we have transitioned Senior Services into satellite locations while a new senior center is built at 345 Walnut Street in Newtonville. The new facility, which we've been calling NewCAL, will open in late summer or early fall 2024.

Ms. Murray lived and worked here in Newton in the early 2000's, serving as the Resident Services Coordinator for three years for the Newton Housing Authority. She is passionate about serving older residents and fostering an age-friendly community. She is curious, involved deeply in the Massachusetts Council of Aging, and continuously looking for best practices. She is warm, upbeat and energetic, with a long history of working collaboratively across departments.

I look forward to Ms. Murray joining us Monday, Jan. 9. She takes the baton from Jayne Colino who is retiring after 32 years. Jayne leaves a significant legacy as Newton's first and only Director of Senior Services. In the [Mayor's Update](#) of October 4, 2022, I detailed the great career, accomplishments and attributes of Jayne and her impact on the City of Newton.

Thank you for your timely consideration of this appointment.

Sincerely,


Mayor Ruthanne Fuller

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Mignonne Murray



EDUCATION

Master's Degree in Public Administration, Framingham State College, Framingham MA.
Bachelor's of Arts Degree, Sociology, Wheaton College, Norton, MA.

PROFESSIONAL EXPERIENCE

Council on Aging (COA), Town of Weston, Weston, MA

Executive Director

December 2016 – present

- Provide vision for program and social service development in the changing landscape of aging to meet the needs and expectations of older adults and their families.
- Coordinate weekly zoom meetings between 8 COA directors during the pandemic.
- Modernize programs, services, and marketing of the department to serve the older adult population of today and those that are aging into the demographic who have different expectations than previous generations.
- Responsible for operational and fiscal management of the department.
- Advocate for the needs of older adults and their caregivers.
- Identify and apply for funding grants; maintain appropriate records and reports; accounts for grant funds.
- Collaborate with the Police Department, Fire Department, Board of Health, Recreation Department and other town departments as well as non-profits, community groups, Springwell, transportation professionals, and health providers in coordinating Town social services for older adults.
- Redesign Council on Aging space within the Community Center to support current needs and use.
- Update logo, newsletter, promotional materials, business cards, letterhead, etc.

Senior Center, Town Auburn, Auburn, MA

Executive Director of the Senior Center and Elder Affairs Division

August 2014 - November 2016

- Managed the Senior Center and Division of Elder Affairs.
- Determined the needs of the older adult population and serve as a resource on matters pertaining to the older adults for the Town.
- Prepared the division's budget request and monitor appropriated funds to stay within spending guidelines.
- Researched additional sources of funds; prepared and submitted grant applications to external funding sources for specific program funding; administered grants received.
- Planned programs for older adults and expanded social service capacity.
- Supervised both office staff, social services staff, instructors as well as volunteers.

- Advocated for clients in areas of health, education, vocation, housing, legal and family interactions.
- Provide crisis intervention and mediate conflicts between clients.



RUTHANNE FULLER
MAYOR

City of Newton, Massachusetts
Office of the Mayor

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rfuller@newtonma.gov

December 12, 2022

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

Councilors:

I respectfully submit a docket item to your Honorable Council requesting an opportunity to update the Programs & Services Committee on the Countryside Elementary School project's space and educational program and general project timeline and process.

The City is preparing to submit a Preliminary Design Program to the Massachusetts School Building Committee in early 2023. As part of that process the School Committee will review and approve the educational program for the project. We have generally provided an update to the P&S Committee prior to the vote of the School Committee. No vote or action is needed from the City Council on this item.

A memo from Commissioner of Public Buildings Josh Morse is attached.

Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in blue ink that reads "Ruthanne Fuller".

Ruthanne Fuller
Mayor

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CLERK
MA 02459



CITY OF NEWTON, MASSACHUSETTS
PUBLIC BUILDINGS DEPARTMENT
52 ELLIOT STREET, NEWTON HIGHLANDS, MA 02461

Ruthanne Fuller, Mayor
Josh Morse, Building Commissioner

Telephone (617) 796-1600
Facsimile (617) 796-1601
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December 2nd, 2022

Ruthanne Fuller, Mayor
Newton City Hall
1000 Commonwealth Avenue
Newton Centre, MA 02459

Re: Update to the City Council on the Countryside School Building Project

Dear Mayor Fuller:

The Public Buildings Department requests to update the City Council on the Countryside School Building Project. We are preparing to submit our Preliminary Design Program, PDP, to the Massachusetts School Building Committee, MSBA. As part of this process, the School Committee must review and approve the educational program and we have historically provided the Programs and Services Committee an update prior to the vote of the School Committee. No vote or action is needed from the City Council on this item.

Sincerely,

Josh Morse
Public Buildings Commissioner

cc: Maureen Lemieux, Chief Financial Officer
Jonathan Yeo, Chief Operating Officer



RUTHANNE FULLER
MAYOR

City of Newton, Massachusetts Office of the Mayor

#17-23

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December 27, 2022

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

Councilors:

I respectfully submit a docket item to your Honorable Council requesting the use of \$3,240,000 in FY2022 Free Cash for synthetic turf carpet and infill materials, installation, and construction oversight to replace the two (2) synthetic turf fields at Newton South High School and to resurface the perimeter track at the school's Winkler Stadium.

The age and condition of these critical playing field surfaces requires replacement promptly as they have exceeded their expected life of ten years (both are 13 years old). Both fields are requiring more frequent maintenance and repair and are delivering a diminished quality for our athletes. With timely City Council funding approval, we will be able to order the products in early 2023 so that we may remove the existing turf and infill and install new products this coming summer of 2023. A summer installation will minimize scheduling impacts to our Newton South athletics programs and youth sport leagues. Summer construction operations also will not interfere with school traffic and activities.

Earlier this year the City Council approved funds for the early engineering services so that we could plan for this replacement and resurfacing work. A team from Parks, Recreation & Culture (PRC) and Newton Public Schools has met with product manufacturers to evaluate synthetic turf replacement options, visited neighboring communities to evaluate products in person, held community meetings to explain the project process and answer questions, performed site evaluation work, and to begin the preparation of bid documents.

As part of PRC's community outreach, the project team presented before the Council's November 9th Programs and Services Committee meeting. During this meeting the team discussed the need to retain synthetic turf playing fields at these locations in order to meet the ever-growing demands of our school and youth sport athletic programs. The team has also presented the project to the Conservation Commission. The team has also submitted a Notice of Intent to that Commission ([application](#) and [plans](#)) and received an Order of Conditions for the project.

Please see the attached memo from Commissioner of Parks, Recreation & Culture Nicole Banks on the request for funding. The memo discusses in detail the process for evaluating turf and infill options, minimizing environmental impacts, and maximizing player safety.

You can find more about the synthetic turf replacement project and other PRC projects on the department's project website [here](#).

Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in black ink that reads "Ruthanne Fuller". The signature is written in a cursive, slightly slanted style.

Ruthanne Fuller
Mayor



Newton Parks, Recreation & Culture Department
246 Dudley Road, Newton, MA 02459
Office: (617) 796-1500
parks@newtonma.gov
Nicole Banks, Commissioner

December 12, 2022

Re: Request to Docket Funding Request for NSHS Synthetic Turf Field Replacement and Track Resurfacing Project

Dear Mayor Fuller,

I write to respectfully request that you submit a docket item to our Honorable City Council for the sum of \$3,240,000. These funds will cover the cost of turf carpet and infill materials, installation, and construction oversight to replace the (2) synthetic turf fields at Newton South High School and to resurface the perimeter track at the school's Winkler Stadium. The age and condition of these amenities requires replacement promptly as they have exceeded their expected life (currently 13 years old), are requiring more frequent maintenance and repair, and are delivering a diminished quality for our athletes. With timely funding City Council approval, we will be able to order products so that we may remove existing turf and infill and install new products during the summer to minimize scheduling impacts to our school athletics programs and youth sport leagues. Construction operations will also not interfere with school traffic and activities.

Earlier this year the City Council approved funds for engineering services so that we could plan for this replacement and resurfacing work. We have met with product manufacturers to evaluate synthetic turf replacement options, visited neighboring communities to evaluate products in person, held community engagement meetings to explain the project process and answer questions, performed site evaluation work, and begun the preparation of bid documents.

As part of our community outreach effort, the project team presented before the Council's November 9th Programs and Services Committee meeting. During this meeting we discussed the need to retain synthetic turf playing fields at these locations in order to meet the ever-growing demands of our school and youth sport athletic programs. We also presented the project to the Conservation Commission. The team has also submitted a Notice of Intent to that Commission and received an Order of Conditions for the project.

We are aware of the importance of selecting products that minimize negative impacts to our environment. We have also explained how these fields do the work that would require multiple grass fields, which would require multiple acres of new land, potential clearing of trees, and the attendant grass maintenance work required including significant fertilizer product applications, irrigation, mowing, aeration, seeding, and field maintenance and weather closures. To be clear, we value and cherish our grass fields, we believe that meeting the needs of our youth and adult athletes requires a mix of synthetic turf and natural grass playing fields, particularly where our playing fields double as open park space.

About the products:

The products were evaluated on longevity, maintenance, player safety, environmental impacts, and playability.

We have communicated with product manufacturers the importance of materials that are longer-lasting and cleaner than the currently installed at high schools. We have also stressed the need for proper disposal and adequate product testing to ensure materials meet current PFAS testing standards under EPA guidelines and other standard PFAS testing methods.

For the turf carpet, we have selected Shaw Sports Turf. The carpet material is a combination of slit film and monofilament fibers. This is the most appropriate turf carpet for multipurpose fields. The product is manufactured in Georgia. The company can recycle existing turf carpets at end of life to produce shock pads that can be installed under a turf field when the infill material requires additional shock absorption properties to meet proper Gmax and HIC ratings for player safety. These ratings are critical in reducing player injuries. This turf carpet is available to see in person at Brookline's Ridley School field. The turf carpet can also be seen at DeFazio and Memorial fields in Needham. The product has an 8-year warranty.

For our infill material we have selected TPE (Thermoplastic Elastomer) pellets mixed with sand. This is a manufactured product that is not sourced from used tires, sneakers, or other products. It retains less heat than the existing crumb rubber infill material currently at our high schools. TPE is also more stable and less prone to migrate in a flooding event. This property also makes TPE ideal from a reduced maintenance perspective, as it requires less replenishing than many other alternative infill materials in the market. The material is reusable and can be transferred to a new field when a carpet is replaced in the future. The material properties of TPE negate the need for an additional shock pad and does not require irrigating. The infill material is viewed favorably by our athletic directors and representatives from our youth soccer league as it does not freeze like other alternative infills, thus resulting in near year-round playability. It is in use at Wellesley's Sprague and Hunnewell fields. They report being satisfied with the infill material.

Respectfully,

Nicole Banks
Commissioner of Parks, Recreation & Culture

Tree Preservation Ordinance Amendment Progress

Committee Progress So Far

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

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

Definitions of “exempt lot” and “tree manual” were deleted.

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

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

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

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

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

Tree Warden ability to waive application requirements – The Committee decided to allow the Tree Warden to waive application requirements when no exterior work is planned

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

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

What the Committee Has Left to Decide

- Does section 21-80 need to be updated? (page 1)
- Is 24 months of no planned construction an appropriate amount of time? (page 5)

- Should an Environmental Mitigation Payment be required to issue a tree permit? (page 11)
 - Addition of Environmental Mitigation Payment definition to 21-81. (page 4)
 - What formula should be used to calculate Environmental Mitigation Payment? (pages 17-18)
 - Should failure to pay Environmental Mitigation Payment be a violation of 21-89(b)? (page 21)
- Should the Tree Warden be required to also notify the Commissioner of Inspectional Services when all tree protective measures are in place? (page 12)
- Will suspension to revocation of a tree permit allow the Commissioner of Inspectional Services to issue a stop work order or withhold issuing a certificate of occupancy? (page 13)
- What Councilors if any should be involved in an appeal of tree warden's decision? (page 14)
- Should notice of the appeal and appeal decision be sent to abutting properties? (page 14)
- Can the tree warden allow trees planted as hedges to count as replacement trees? (page 16)
- Should minimum lifespan of a replacement tree be increased to ten years and what fees if/any should be implemented if a replacement tree is replaced? (page 17)
- What formula should be used to calculate Environmental Mitigation Payment? (pages 17-18)
- Should the payment in lieu of replacing trees be an Environmental Mitigation Payment or cost to purchase, install and maintain trees for five (5) years? (page 18)
- Should "request" be changed to "direct" in 21-88(b)(2)? (page 19)
- Is each day until a tree permit application is filed a separate offense for removal without a permit? (page 20)
- Can this ordinance guide tree removal and replacement requirements for special permits? (page 22)

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

The city council has determined that many trees are being lost without replacement incident to demolition of existing buildings in order to construct new buildings and lot clearing in connection with the construction of new buildings on previously undeveloped land. The city council has further determined that trees have been lost, severely damaged or disfigured through excessive or improper pruning or other than natural causes. The result is a net loss of the tree population in the city. The city council has further determined that the city has insufficient legal vehicles to assure that such development adequately preserves, protects and provides for replacement of trees.

The preservation of the private tree canopy and the planting of replacement trees is intended to enhance the quality of life and the environment of the city; to preserve the character of the wooded and natural areas; to reduce energy consumption; to protect air quality; to baffle noise; to preserve and enhance habitat for wildlife; to reduce topsoil erosion and storm water runoff; to protect and increase property values; and to enhance the overall appearance of the city. (Ord. No. A-38, 05-05-14)

Proposed change - difference in versions

Councilor Proposal	City Proposal
<p>The city council has determined that <u>Newton has lost and continues to lose trees at an alarming rate. Tree loss contributes significantly to the climate emergency that the US Centers for Disease Control creates a public health crisis by producing extreme heat; air pollution; increased allergens; diseases carried by mosquitos, ticks, and rodents; flooding; and more.</u> many trees are being lost without replacement incident to demolition of existing buildings in order to construct new buildings and lot clearing in connection with the construction of new buildings on previously undeveloped land. The city council has further determined that trees have been lost, severely damaged or disfigured through excessive or improper pruning or other than natural causes. The result is a net loss of the tree population in the city. The city council has further determined that the city has insufficient legal vehicles to assure that such development adequately preserves, protects and provides for replacement of trees.</p> <p><u>Healthy mature trees provide immense public services that cannot be replaced, even by planting saplings. According to Newton’s tree warden, an AVERAGE mature street tree (17" DBH) removes 2600 lbs of carbon per year, conserves 1300 kWh per year, intercepts 1900 lbs of stormwater per year. Moreover, it takes 90 new trees to sequester as much carbon as one mature tree. The city council has determined that replacement alone is not enough. The city council has further determined that the city has insufficient legal vehicles to assure the adequately preservation and protection of mature</u></p>	<p>No Change Proposed</p>

trees and the provision for mitigating costs to the city of tree loss, both by replacement of trees and by an environmental mitigation payment.

The preservation of ~~Newton's the private~~ tree canopy ~~and the planting of replacement trees~~ is intended to preserve public health, mitigate climate impacts, and thereby enhance the quality of life and the environment of the city; ~~to preserve~~ . A mature healthy tree canopy preserves the character of the wooded and natural areas; ~~to~~ reduces energy consumption; ~~to~~ protects air quality; ~~to~~ baffles noise; ~~to~~ preserves and enhances habitat for wildlife; ~~to~~ reduces topsoil erosion and storm water runoff; ~~to~~ protects and increases property values; and to enhances the overall appearance of the city. (Ord. No. A-38,05-05-14)

Sec. 21-81. Definitions.

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

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

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

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

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

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

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

Proposed change - same in both versions

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

- ~~(1)The lot is occupied and used primarily as a dwelling for up to four families at the time any protected tree(s) are removed.~~
- ~~(2)The lot owner at the time of protected tree removal has owned the lot continuously for a minimum of ninety (90) days prior to the removal of any protected tree(s).~~
- ~~(3)The existing structure on the lot remains occupied as a dwelling with a person or persons living in it for eighteen consecutive months from the date any protected tree(s) are removed.~~
- ~~(4)The lot remains owned by the same person for eighteen consecutive months from the date any protected tree(s) are removed.~~

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

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

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

Protected tree : Any tree having a diameter of 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 21-82.

Proposed change - same in both versions

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

Pruning standards : Standards for pruning as defined in the City of Newton Tree Management Manual, 1995 and any future amendments or revisions to the same.

Proposed change - same in both versions

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

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

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)

Proposed change - same in both versions

~~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, recreation and culture or his designee. (Rev. Ord. 2007, § 20-31; Ord. No. A-38, 05-05-14; Ord. No. B-53, 03-02-20)

Proposed change - new definitions added - same in both versions

Landmark Tree : Any tree having a diameter of 40” DBH to 54” and which is located on land subject to the provisions of section 21-82.

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

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

Risk Tree Evaluation : The process by which a tree is evaluated to determine the level of risk it poses to the existing property and public at the time of inspection. All risk tree evaluations shall be conducted by a qualified Certified Arborist using a systematic process that identifies, analyzes, and evaluates risk. All tree risk evaluations are to follow the most current ANSI A300 Part 9 Tree Risk Assessment protocol. All tree risk assessments are to be done utilizing industry accepted protocols, forms, and other documentation required by the Tree Warden.

Significant Tree : Any tree having a diameter of 25” DBH to 39” DBH and which is located on land subject to the provisions of section 21-82. Or is a replacement tree as described in 21-85 (e).

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

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

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

Proposed change - difference in versions

Councilor Proposal	City Proposal
<p>Environmental Mitigation Payment: A payment that takes into account damages to community public health (including increased pests), loss of carbon sequestration and other climate mitigation services, costs of increased energy usage, loss of stormwater drainage services, and increased city infrastructure costs by utilizing a cross-sectional area valuation of each tree to be removed: $(DBH)^2 \times 0.785 \times \text{base value}$, where the base value is not less than [AMOUNT].</p>	<p>not part of City Proposal</p>

Sec. 21-82. Applicability,

(a) Applicability: The terms and provisions of this article shall apply to any protected tree located on land within the city not owned by the city, the commonwealth, or any independent authority of the commonwealth, or by the federal government except protected tree(s) located on an exempt lot pursuant to paragraphs (c) and (d) below.

Proposed change - difference in versions

Councilor Proposal

City Proposal

(a) Applicability: The terms and provisions of this article shall apply to any protected tree located on land within the city ~~not owned by the city~~, the commonwealth, or any independent authority of the commonwealth, or by the federal government ~~except protected tree(s) located on an exempt lot pursuant to paragraphs (c) and (d) below.~~

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

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

Proposed change - same in both versions

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

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

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

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

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

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

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

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

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

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

Proposed change - same in both versions

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

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

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

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

~~—(1)The owner intends to own the lot for eighteen consecutive months from the date a certificate of occupancy is issued for the construction for which the extension was issued; and~~
~~—(2)The property remains an occupied lot for eighteen consecutive months from the date a certificate of occupancy is issued for the construction for which the extension was issued.~~
~~—(3)Upon request of an applicant for exempt lot status extension, the tree warden may also waive the requirement that the lot be continuously owned by the same owner for ninety (90) days prior to protected tree removal provided the owner intends to own the lot for twenty one months from the date a certificate of occupancy is issued for the construction for which the extension is granted.~~
~~—(4)If at any time during the applicable eighteen or twenty one month period the lot ownership changes or the lot is not occupied, the tree warden shall revoke the tree permit and exempt lot status extension. The person issued the extension shall file a new tree permit application and shall replace any protected trees that were removed.~~
~~—(5)Any person issued an extension of exempt lot status must report to the tree warden any change of ownership and any change of occupancy status within fifteen (15) days of the change if that change takes place during the applicable eighteen (18) month or twenty one (21) month period following the date the certificate of occupancy issued. (Ord. No. A 38, 05-05-14)~~

<i>Proposed change - difference in versions</i>	
Councilor Proposal	City Proposal
not part of Councilor proposal	(c)In the case where tree(s) were removed from a single or two family residential occupied lot where no exterior construction was planned but construction did take place within the 24 months following the removal of tree(s) the current property owner will be required to file for a tree permit and will be required to comply with the replacement requirements of sec. 21-85

Sec. 21-83. Permit application.

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

Proposed change - same in both versions

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

(1) 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;

Proposed change - same in both versions

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

(2) A tree plan showing the location, type and size of each protected tree indicating which protected tree(s) are to be removed, and the location, type and size of replacement trees;

Proposed change - same in both versions

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

Proposed change - new definitions added - same in both versions

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

(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;

Proposed change - same in both versions

(5) Any proposed grade changes which might adversely affect or endanger any Protected Tree or is within the Tree Save Area of any protected tree on the applicant's lot or any abutting lot requires a statement prepared by a 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.

Proposed change - same in both versions

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

Proposed change - new definitions added - same in both versions

(7) For any activity requiring Exterior Work Permit or involving tree removal, where Protected Trees are to remain on the lot or where the Tree Save Area of Protected Trees on adjacent lots comes onto the applicant's lot, a Tree Protection Plan must be completed by Certified Arborist (as specified in 21-81).

<i>Proposed change - difference in versions</i>	
Councilor Proposal	City Proposal
<p>(8) Large projects, which require a special permit, must also include a Tree Protection Plan that shall be submitted to the Tree Warden not less than 21 days prior to submission of the application for a special permit. The Tree Warden shall certify that s/he has reviewed it, indicating whether it is complete and complies with the applicable provisions of this Chapter and regulations promulgated thereunder. The Tree Warden shall refer the Tree Protection Plan with his/her certification and recommendations to the Land Use Committee to guide the establishment of any conditions that may be required as a result of findings of the Tree Protection Plan in connection with the issuance of a special permit.</p>	<p>not part of City Proposal</p>

<i>Proposed change - difference in versions</i>	
Councilor Proposal	City Proposal
<p>not part of Councilor proposal</p>	<p>(8?) The Tree Warden may waive the above listed requirements when an applicant is seeking to remove a protected tree but no exterior work is planned. The Tree Warden shall still require a tree permit application be filed and supporting documentation provided.</p>

<i>Proposed change - difference in versions</i>	
Councilor Proposal	City Proposal
<p>(b) Fee: The application for a tree permit shall be accompanied by a fee in the amount(s) listed below.</p> <p>(1) The fee for a tree permit for the removal of a dead or significantly compromised tree(s) that a certified arborist has attested to on forms required by the City shall be \$0</p> <p>(2) The administrative fee for processing a tree permit for all tree removal work or Exterior work with the exception of (b) (1) shall be \$200.</p>	<p>(b) Fee: The application for a tree permit shall be accompanied by a fee in the amount(s) listed below.</p> <p>(1) The fee for an <u>exemption permit or tree permit</u> for the removal of a dead or significantly compromised tree(s) that a certified arborist has attested to on forms required by the City shall be \$0 if there is no pending or planned Exterior Work on <u>the lot</u>.</p> <p>(2) The administrative fee for processing a tree permit for all tree removal work or Exterior work with the exception of (b) (1) shall be \$200.</p>

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

Proposed change - difference in versions

Councilor Proposal

(c b) Review of permit applications: The tree warden shall review applications for tree permits in accordance with the provisions of this article. The tree warden shall date stamp or otherwise record the date of filing of each application for a tree permit. The tree warden shall complete the review of each tree permit application no later than **twenty (20)** business days after the submission of a completed application to the tree warden and shall report to the commissioner of inspectional services within **twenty (20)** business days of a request with respect to any tree permit application submitted in connection with a building permit as to whether said tree permit has been granted or denied. ~~If no such report is received by the commissioner within the above-stated time period, he shall accept an application for a building permit without receipt of such report.~~ **The commissioner of inspectional services shall not accept an application for a building permit without confirmation of an approved tree permit.**

The City shall use the online permitting system to automatically generate notifications of Tree Permit applications to abutters and neighbors within 500 feet of the lot on which the Protected Tree is located.

City Proposal

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

not part of City Proposal

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

Proposed change - difference in versions

Councilor Proposal

City Proposal

(d) Standards for grant or denial: No tree permit shall be issued **unless an Environmental Mitigation Payment is made (as outlined in section 21-86) and** one of the following conditions exists:

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

(1) The protected tree will be relocated or replaced on site.

Proposed change - same in both versions

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

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

(3) The protected tree is interfering with existing structures, utilities, streets, sidewalks or other existing improvements

Proposed change - same in both versions

(3) The protected tree is interfering with existing structures, utilities, streets, sidewalks or other existing improvements. **Documentation of the interference and damage being currently caused shall be provided to the Tree Warden as part of the permit application, per section 21-83 (a)(3).**

(4) The protected tree is dead, diseased, injured, in danger of falling, dangerously close to existing structures, is causing disruption of public utility service, is causing drainage or passage problems upon rights-of-way, or poses a threat to pedestrian or vehicular safety.

Proposed change - same in both versions

(4) The protected tree is dead, diseased, injured, in danger of falling, dangerously close to existing structures, is causing disruption of public utility service, is causing drainage or passage problems upon rights-of-way, or poses a threat to pedestrian or vehicular safety. **Documentation shall be provided by a Certified Arborist utilizing industry approved Risk Tree Evaluation method and any additional forms or documentation required by the Tree Warden.**

(5) The removal of the protected tree is necessary and desirable in order to enhance or benefit the health or condition of other trees on the same site as certified to the tree warden by a certified arborist.

(6) No protected tree(s) are to be removed from the site and appropriate tree protection measures will be in place where necessary as determined by the tree warden.

(d) Conditions: Upon the issuance of a tree permit, the tree warden may prescribe in writing such protective measures for existing protected trees as he deems necessary. Before site disturbance may begin, the tree warden may make a determination that the prescribed protective measures have been adequately provided.

Proposed change - difference in versions

Councilor Proposal

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(ed) Conditions: Upon the issuance of a tree permit, the tree warden may prescribe in writing **additional parameters and requirements related to the protection of trees to remain on the lot and trees within a reasonable distance from the lot.**

(ed) Conditions: Upon the issuance of a tree permit, the tree warden may prescribe in writing **additional parameters and requirements related to the protection of trees to remain on the lot and trees within a reasonable distance from the lot.**

No Exterior Work, site disturbance, or tree removal work shall take place on a lot until all tree protective measures are approved and in place. The tree Permit holder must provide documentation from a Certified Arborist on the form(s) provided by the Tree Warden that all protective measures are in place. Once the Tree Warden has made a determination that the tree protection measures are in place, the Tree Warden will provide written documentation to the property owner and commissioner of Inspectional Services that Exterior Work may commence

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

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

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

(e) Construction: Except as provided in a tree 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.

Proposed change - same in both versions

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

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

Proposed change - difference in versions

Councilor Proposal

City Proposal

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

no change in City Proposal

(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 city council and to each councilor 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 city council and to each ward councilor 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; Rev. Ord. 2007, § 20-33; Ord. No. A-38, 05-05-14)

Proposed change - difference in versions

Councilor Proposal

(hg) Appeal: Any person aggrieved by a decision of the tree warden may file an appeal with the mayor (or ~~his~~ **the mayor’s** designee) **and the councilors of the ward in which the protected trees are located.** Said appeal must be in writing and must be received by the mayor **and councilors** within five (5) business days of issuance of the tree warden’s decision. Upon receipt of such appeal, the mayor or ~~his~~ **mayor’s** designee shall provide a copy to the clerk of the city council and to **each abutter of the property on which the trees are located. The mayor and councilors shall be guided by reasonable safety and tree wellbeing provisions in granting approval of the removal of healthy mature trees. The mayor and the councilors shall jointly** make a final decision on the matter within thirty (30) days from the date of receipt of the appeal **(in the case of a tie vote, the tree warden’s decision stands).** The mayor shall include in the decision the rationale thereof. Upon issuance of the final decision, the mayor shall provide a copy to the clerk of the city council **and to each abutter.** There shall be no further appeal of the matter decided by the mayor **and councilors.** No protected trees shall be removed while an appeal is pending. (Ord. No. V-275, 12-6-99; Ord. No. X-202, 04-03-06; Rev. Ord. 2007, § 20-33; Ord. No. A-38, 05-05-14)

City Proposal

(hg) Appeal: Any person aggrieved by a decision of the tree warden may file an appeal with the mayor or ~~his~~ **their** designee. Said appeal must be in writing and must be received by the mayor or ~~his~~ **their** designee within five (5) business days of issuance of the tree warden’s decision. Upon receipt of such appeal, the mayor or ~~his~~ **their** designee shall provide a copy to the clerk of the city council and to each councilor for the ward in which the trees are located. **The mayor shall seek input and consult with the Ward councilor in which the trees are located.** The mayor or their designee shall make a final decision on the matter within thirty (30) days from the date of receipt of the appeal. The mayor or ~~his~~ **the mayor’s** designee shall include in the decision the rationale therefor. Upon issuance of the final decision, the mayor or ~~his~~ **the mayor’s** designee shall provide a copy to the clerk of the city council and to each ward councilor for the ward in which the trees are located. There shall be no further appeal of the matter decided by the mayor or ~~his~~ **the mayor’s** designee. No protected trees shall be removed while an appeal is pending. (Ord. No. V-275, 12-6-99; Ord. No. X-202, 04-03-06; Rev. Ord. 2007, § 20-33; Ord. No. A-38, 05-05-14)

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

(a) Pruning: A permit is not required for the pruning of protected trees. However, in order to prevent excessive pruning and topping of trees and to prevent pruning that will be hazardous to the health and natural appearance of the tree, compliance with 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.

Proposed change - same in both versions

(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 ANSI A300** 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.

Proposed change - same in both versions

(a) 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, or designee, to remove such tree, utilizing such professional criteria and technical assistance as ~~he~~ **the tree warden** deems necessary, and the protected tree may be removed without obtaining a written permit as otherwise required by this article. The tree warden shall memorialize in writing each such oral authorization to remove a tree and keep a record of the same.

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

Sec. 21-85. Tree replacement.

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

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

(1) A replacement tree shall be of the same or similar species or such other species as deemed advisable by the tree warden in accordance with the Tree Manual and shall have the same or equivalent size as measured in DBH inches as that of the protected tree that has been removed.

Proposed change - difference in versions

Councilor Proposal

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(1) Replacement tree(s) shall be of the same or similar species or such other species as deemed advisable by the tree warden. ~~in accordance with the Tree Manual and shall have the same or equivalent size as measured in DBH inches as that of the protected tree that has been removed.~~ **Trees planted as hedges shall not count as Replacement Trees.**

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

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

Proposed change - same in both versions

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

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

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

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

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

(3) A replacement tree shall be required to survive for a minimum of eighteen (18) months 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.

Proposed change - same in both versions

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

Proposed change - difference in versions

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(4) No Replacement Tree shall be removed without a Tree Permit. Replacement Tree should survive at least ten years. If a Replacement Tree is to be removed during this time, Tree Permit applicants will be required to meet the replacement requirements of a Significant Tree, will not be eligible for any reductions in the new environmental mitigation payment, and must reimburse the replacement reduction for the removed tree(s).

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(4) No replacement tree shall be removed without a Tree Permit. Tree Permit applicant will be required to meet the replacement requirements of a Significant Tree any time a replacement tree is to be removed.

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

Sec. 21-86. Tree replacement fund.

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

Proposed change - difference in versions

Councilor Proposal

(b) Environmental Mitigation Payment: This payment will be required for all Protected Trees removed. The Environmental Mitigation Payment will be waived if Protected Trees are removed because of

City Proposal

ii significant utility infrastructure projects undertaken pursuant to State or Federal regulations or programs,

iii where a tree poses significant negative impact to an adjacent structure,

iv for dead or dangerous trees, or

v where a Lot is of such density with existing trees that the removal of certain Protected Trees is considered beneficial to the health of the tree canopy on the Lot.

The required Environmental Mitigation Payment (DBH2 x 0.785 x base value, where the base value is not less than [AMOUNT]) will be reduced by the cross-sectional valuation of each Replacement Tree.

not part of City Proposal

(b) Payment in lieu of planting replacement tree(s): In lieu of planting a replacement tree as provided in section 21-85, a person who has been granted a tree permit may make a contribution to a tree replacement fund in an amount equal to the cost to replace the tree in accordance with the provisions of section 21-85, which cost shall be determined by the tree warden based on the City’s current cost to purchase and install trees.

Proposed change - difference in versions

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<p>(c) Payment in lieu of planting Replacement Tree(s): In lieu of planting Replacement Trees as provided in section 21-85, a person who has been granted a Tree Permit may choose to pay the Environmental Mitigation Payment in full, without taking the allowed Replacement Tree deduction. make a contribution to a tree replacement fund in an amount equal to the cost to replace the tree in accordance with the provisions of section 21-85, which cost shall be determined by the tree warden based on the City’s current cost to purchase and install trees.</p>	<p>(c) Payment in lieu of planting replacement tree(s): In lieu of planting a replacement tree as provided in section 21-85, a person who has been granted a tree permit may make a contribution to a tree replacement fund in an amount equal to the cost to replace the tree in accordance with the provisions of section 21-85, which cost shall be determined by the tree warden based on the City’s current cost to purchase, install , and maintain trees for the first five years. The Tree Warden will update this cost annually.</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. (Ord. No. V-275, 12-6-99; Rev. Ord. 2007, § 20-36; Ord. No. A-38, 0505-14)

Sec. 21-87. Rule and regulations.

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

Sec. 21-88. Enforcement.

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

(b) Stop work order:

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

Proposed change - same in both versions

(1) Upon notice from the tree warden that work on any protected tree, or lot, **or abutting lot**, on which a protected tree is located, is being performed contrary to the provisions of this article, such work shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work; and shall state the conditions under which work will be permitted to resume.

(2) The tree warden is also authorized to request the agency which has granted an exterior work permit to order, to the extent permissible by law, that the owner cease any activity pursuant to the exterior work permit that might affect such protected tree while a stop work order is pending.

Proposed change - difference in versions

Councilor Proposal

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(2) The tree warden is also authorized to **direct** ~~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.

no change in City Proposal

(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.

Proposed change - same in both versions

(3) Any person who shall continue any work in or about the protected tree or lot on which a protected tree is located, **or an abutting lot**, after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not more than three hundred dollars (\$300.00) for each such violation. Each day during which a violation exists shall constitute a separate offense.

(c) Injunctive relief:

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

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

Sec. 21-89. Penalties.

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

Proposed change - difference in versions

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(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). **Each day until a Permit Application is filed shall constitute a separate offense.**

no change in City Proposal

(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.

Proposed change - difference in versions

Councilor Proposal

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(b) Failure to replace trees or make payment: Each failure to replace a tree or make an **Environmental Mitigation** 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.

no change in City Proposal

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

(d) City trees: Nothing herein shall be construed to require the city to make a payment into the tree replacement fund for any tree(s) which it removes. (Ord. No. V-275, 12-6-99; Rev. Ord. 2007, § 20-38; Ord. No. A-38, 05-0514)

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

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

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

Proposed change - difference in versions

Councilor Proposal

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(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. This ordinance shall guide requirements for special permits (Chapter 30, Zoning), with regard to tree removal and replacement. ~~Nothing herein is intended to conflict with existing special permit procedures as provided in section 30-24 and to the extent that any provision hereof conflicts with said special permit procedures, such provision shall not be valid.~~ (Ord. No. V-275, 12-6-99; Rev. Ord. 2007, § 20-39; Ord, No. A-38, 05-05-14)

no change in City Proposal